

# ROANOKE CITY COUNCIL REGULAR SESSION

## SEPTEMBER 15, 2003 2:00 P.M.

## CITY COUNCIL CHAMBER

## **AGENDA**

## 1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Johnny Stone, Pastor, Hill Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

## **NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 18, 2003, at 7:00 p.m., and Saturday, September 20, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEGOV.COM</u>, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

## **REGULAR SESSION**

#### 2. PRESENTATIONS AND ACKNOWLEDGMENTS:

a. A Resolution memorializing the late Betty Brooke Morris Parrott.

P 14

## 3. <u>CONSENT AGENDA</u>

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, July 21, 2003, and recessed until Thursday, July 31, 2003.

P 15

RECOMMENDED ACTION: Dispense with the reading of the minutes, and approve as recorded.

C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 86

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

P 87

RECOMMENDED ACTION: Concur in the request.

C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 89

RECOMMENDED ACTION: Concur in the request.

A communication from the City Manager requesting that Council C-6 convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 90

RECOMMENDED ACTION: Concur in the request.

A communication from the City Manager requesting that Council C-7 schedule a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, with regard to adoption of a revised Cable Television Ordinance and approval of a renewal of the Franchise Agreement.

RECOMMENDED ACTION: Concur in the request.

C-8 Minutes of the Roanoke City Audit Committee held on Tuesday, P 93 September 2, 2003.

RECOMMENDED ACTION: Receive and file.

C-9 Qualification of Michael W. Conner as a member of the Towing Advisory Board, for a term ending June 30, 2006.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

4. PUBLIC HEARINGS: NONE.

## 5. PETITIONS AND COMMUNICATIONS:

a. Request of the Commonwealth's Attorney to present cost collection results for fiscal year 2002-03. (10 minutes)

P 98

## 6. REPORTS OF OFFICERS:

a. CITY MANAGER:

#### ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Help Eliminate Auto Theft (H.E.A.T.) grant funds, in the amount of \$6,911.00; and execution of an agreement with the Virginia Department of State Police.

P 100; B/O 102; R 103

2. Amendment to the City Code to allow the discharge of a firearm within City limits in connection with implementation of the City's Deer Management Plan.

P 104; O 106

3. Execution of Assignment and Amendment Number One with SEMCO, Inc. of Virginia, to the Option Agreement with Roanoke Development, LLC, to purchase an 18.437-acre parcel of land known as "New Tract F", located in the Roanoke Centre for Industry and Technology.

P 107; O 115 4. Amendment to the Pay Plan Ordinance to include the Master Deputy Sheriff Program, a career enhancement program offered to Sheriff's Offices by the State Compensation Board, which began in 1995.

P 117; O 119

5. Acceptance of a Local Law Enforcement Block Grant, in the amount of \$102,351.00; and execution of an agreement with the Bureau of Justice Assistance.

P 121; B/O 129; R 125

6. Acceptance of Runaway and Homeless Youth Act Program Grant No. 03CY0433/02, in the amount of \$126,675.00; and execution of an agreement with the U. S. Department of Health and Human Services.

P 126; B/O 129; R 131

7. Acceptance of Base 2003 Office of Domestic Preparedness Equipment Program Grant funds; in the amount of \$79,657.00; and execution of an agreement with the Virginia Department of Emergency Management.

S P 132; ; B/O 134; f R 135

8. Authorization to issue sewer revenue bonds to the Virginia Resources Authority as Administrator of the Virginia Water Facilities Revolving Fund. (Joint communication from the City Manager and Director of Finance.)

P 136; B/O 138

#### **BRIEFINGS**:

9. Market Building (20 minutes)

P 139

10. Zoning Ordinance Update (20 minutes)

P 140

#### b. DIRECTOR OF FINANCE:

1. Financial report for the month of July 2003.

P 141

## 7. REPORTS OF COMMITTEES:

a. Request of the Roanoke City School Board to appropriate and transfer funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

T | P 156; B/O 160

b. A communication from the Roanoke City School Board requesting adoption of a resolution indicating that the City will participate in the 2003 Interest Rate Subsidy Program Bond Issue - VPSA School Financing Bonds, in connection with the Roanoke Academy for Mathematics and Science project; and that Council schedule a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 163; R 172

## 8. UNFINISHED BUSINESS: NONE.

# 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

## 10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## 11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

## 12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



# ROANOKE CITY COUNCIL REGULAR SESSION

## SEPTEMBER 15, 2003 7:00 P.M.

## CITY COUNCIL CHAMBER

## **AGENDA**

## Call to Order -- Roll Call.

The Invocation will be delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

## **NOTICE:**

The Council meeting will be televised live by RVTV Channel 3 to be replayed on Thursday, September 18, 2003, at 7:00 p.m., and Saturday, September 20, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## A. PUBLIC HEARINGS:

1. Request of Kermit and Dorothy Shriver that a portion of an alley located off Thyme Street, S. E., at the rear of Lots 4, 5 and 6, Official Tax Nos. 4041901 - 4041904, inclusive, be permanently vacated, discontinued and closed. Kermit and Dorothy Shriver, Spokespersons.

P 174; O 185

2. Request of L & M Properties, L.L.C., to rezone three tracts of land located on Wertz Avenue and Mississippi Avenue, N. E., consisting of 14.401 acres, more or less, identified as Official Tax Nos. 3130301, 3130504 and 3130312, from HM, Heavy Manufacturing District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. John H. Lipscomb, Member, L & M Properties, L.L.C., Spokesperson.

P 189; O 202

3. Request of L & M Properties, L.L.C., to rezone a tract of land located at 2820 Ridgefield Street, N. E., consisting of 0.1055 acre, more or less, identified as Official Tax No. 3130303, from HM, Heavy Manufacturing District, to RM-1, Residential Multifamily, Low Density District. John H. Lipscomb, Member, L & M Properties, L.L.C., Spokesperson.

P 204; O 212

4. Request of GCSWVA Co., L.L.C., to rezone a tract of land located at the corner of Duke of Glouchester Street, S. W. (private), and Duke of Glouchester Street, S. W. (public), containing 1.3 acre, more or less, identified as a portion of Official Tax No. 5500114, from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District, subject to certain conditions proffered by the petitioner. Dr. Dennis B. Weiserbs, Managing Member, Spokesperson.

P 214; O 225

5.(a) Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Norwich Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

P 227; O 232

(b) Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Wasena Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

P 234; O 239 (c) Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Morningside/Kenwood and Riverdale Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

P 241; O 246

Application to the Department of Housing and Community 6. Development for designation of a certain area in the City as an Enterprise Zone, to be incorporated within the City's current Enterprise Zone One designation which will expire on December 31, 2003. Darlene L. Burcham, City Manager.

P 248; R 305

Proposed amendment of subsections (a) and (c), Section 36.1-345, 7. District regulations; certificate of appropriateness, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to address installation or replacement of siding. R. Brian Townsend, Agent, City Planning Commission.

P 306: O 310

Proposed adoption of a resolution authorizing the City to contract a debt 8. and to issue sewer revenue bonds of the City in a principal amount not to exceed \$25,000,000.00 to finance the costs of capital improvements to the Roanoke Regional Water Pollution Control Plant, pursuant to Section 15.2-2606.A, Code of Virginia (1950), as amended. Darlene L. Burcham, City Manager; and Jesse A. Hall, Director of Finance.

R 312

9. Proposed adjustment to the City of Roanoke Fiscal Year 2003-04 Budget, in connection with appropriation of funds for the Capital B/O 321 Maintenance and Equipment Replacement Program (CMERP). Darlene L. Burcham, City Manager.

P 315:

Proposed lease of a portion of City-owned property located at the Parks 10. and Recreation Department, 210 Reserve Avenue, S. W., to Climbing Performance Institute, Inc., to operate the Rocwood Indoor Adventure Center, for an initial one-year term, with an option to extend for up to four additional one-year periods. Darlene L. Burcham, City Manager.

P 324; O 339

11. Proposed conveyance of a 15-foot easement to extend an existing overhead power line located at Patrick Henry High School, 2102 Grandin Road, S. W., to Appalachian Power Company, d/b/a American Electric Power, to provide electric service to a mobile classroom. Darlene L. Burcham, City Manager.

P 340; O 345

12. Proposed conveyance of a 15-foot overhead and underground easement, with a 40 square foot area, to accommodate a new pole across Cityowned property on Barns Avenue, N. W., identified as Official Tax No. 6610101, to Appalachian Power Company, d/b/a American Electric Power, to provide underground electric service for the new Roanoke City School Transportation Facility. Darlene L. Burcham, City Manager.

P 347; O 353

#### **B.** OTHER BUSINESS: NONE.

## C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

# MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

#### FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

#### PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

WAR

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Betty Brooke Morris Parrott, wife of former Council member John H. Parrott.

WHEREAS, the members of Council learned with sorrow of the passing of Mrs. Parrott on Monday, August 25, 2003;

WHEREAS, Mrs. Parrott grew up in Roanoke and graduated from Oldfields School in Glencoe, Maryland in 1948 and from Sweet Briar College in Sweet Briar, Virginia in 1952;

WHEREAS, after college, Mrs. Parrott worked for The Roanoke Times & World News before marrying and becoming a homemaker;

WHEREAS, Mrs. Parrott was a volunteer for Meals on Wheels, and served on the Roanoke Public Library Board, the Advisory Council of the Community Arboretum at Virginia Western Community College, and the Altar Guild at St. John's Episcopal Church, where she was a lifelong member;

WHEREAS, Mrs. Parrott was a member of the Junior League of Roanoke Valley, Roanoke Valley Garden Club, and the Roanoke Assembly and served on its board;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Betty Brooke Morris Parrott, and extends to her family its sincerest condolences.
- 2. The City Clerk is directed to forward an attested copy of this resolution to Mrs. Parrott's husband of 47 years, John H. Parrott of Roanoke, Virginia.

ATTEST:

City Clerk.

1

#### REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

July 21, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 21, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch (left the meeting prior to adjournment), M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Beverly T. Fitzpatrick, Jr. -----1

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend J. Donald Earwood, Associate Pastor, Villa Heights Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS: Mr. Cutler offered the following resolution expressing sympathy upon the passing of the late Clare White:

(#36429-072103) A RESOLUTION memorializing the late Clare Stone White, a native of Roanoke and a retired editor and features writer for *The Roanoke Times*.

(For full text of Resolution, see Resolution Book No. 97, page 506.)

Mr. Cutler moved the adoption of Resolution No. 36429-072103. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: ( Mavor Smith		•	•	Bestpitch,	•	•	

(Council Member Fitzpatrick was absent.)

ACTS OF ACKNOWLEDGMENT-GREENWAY SYSTEM-SCHOOLS: Alan G. Soltis, Vice President, Lanford Brothers Contractors, and Past President, Virginia Road and Transportation Builders Association (VRTBA), addressed Council on behalf of local members of the organization. He called attention to a partnership that was formed approximately two years ago with the Roanoke City Schools, Roanoke County Schools, Botetourt County Schools and the Salem School District to achieve the following goals: to reinforce with students the importance of maximizing the opportunity to receive a quality education in the Roanoke Valley's school system by demonstrating practical ways in which the curriculum can provide a better opportunity to be successful in their life long profession; to present opportunities available in the construction industry for both those who will attend college to become engineers, bookkeepers and business persons, as well as those who will enter the job market directly out of high school; and to instill the importance of becoming good corporate citizens upon graduation by joining the work force and giving something back to the communities in which they live and work. He stated that due to a team effort by many persons in the Roanoke Valley, the above stated goals have been achieved.

Mr. Soltis advised that in 2002, through the Roanoke Neighborhood Partnership program, a \$4,500.00 grant was approved for the Raleigh Court Civic League to complete a portion of the Murray Run Greenway project, which extends behind Patrick Henry High School. He explained that initial quotes received by the Raleigh Court Civic League for the project was in the range of \$17,000.00, which was considerably higher than the budget; however, VRTBA saw the project as an opportunity to not only teach students the importance of the greenway system in the Roanoke Valley, but to demonstrate how private companies can help their communities. He advised that local members of the Virginia Road Builders Association agreed to construct the project for the \$4,500.00 grant and donated all materials and labor; working in conjunction with the Roanoke Valley Greenway

Commission and City's Parks and Recreation Department, additional funding was identified for plantings and a new wooden guardrail which acted as an enhancement to the project; and it is estimated that a \$4,500.00 grant was turned into a \$25,000.00 plus benefit for the community. He stated that since the project is located behind Patrick Henry High School, students learned about the greenway system and how the design and construction of a transportation system comes together, and students in the applied construction group assisted with actual construction.

Mr. Soltis advised that the success of the Partners In Education program is due, in large measure, to the Roanoke Valley School System, the City's Department of Parks and Recreation, the Roanoke Valley Greenway Commission, civic leagues, businesses and government leaders working together in an effort to make their community the very best it can be. Therefore, on behalf of the Virginia Road and Transportation Builders Association, he presented the City of Roanoke with a symbolic acrylic dump truck with the following inscription: "The City of Roanoke, a Virginia Road and Transportation Builder Partner in Education — Building the Future Through the Youth of Today, 2002-2003."

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two closed sessions to discuss vacancies on boards and commissions and terms of a contract in negotiation.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler Dowe, and Mayor
Smith6.
NAYS: None0.
(Council Member Fitzpatrick was absent.)
ANNUAL REPORTS-COMMITTEES-REAL ESTATE VALUATION: A communication from Mayor Ralph K. Smith transmitting the 2003 Annual Report of the Board of Equalization, was before Council.
Mr. Harris moved that the communication and report be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe and Mayor Smith6.
NAYS: None0
(Council Member Fitzpatrick was absent.)
CITY MANAGER-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed meeting to discuss terms of a contract in negotiation, pursuant to Section 2.2-3711(A)(30), Code of Virginia (1950), as amended, was before the body.
Mr. Harris moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Harris, Wyatt, Bestpitch, Cutler Dowe, and Mayor Smith6.
NAYS: None0
(Council Member Fitzpatrick was absent.)

OATHS OF OFFICE-COMMITTEES-COMMUNITY PLANNING-ROANOKE ARTS COMMISSION-COURT COMMUNITY CORRECTIONS BOARD-FIFTH PLANNING DISTRICT COMMISSION: The following reports of qualification were before Council.

Clifford R. Weckstein as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005;

Darlene L. Burcham as a member of the Roanoke Valley Alleghany Regional Commission, for a term ending June 30, 2006;

Paula L. Prince as a member of the City Planning Commission, for a term ending December 31, 2004; and

William B. Hopkins, Jr., to fill the unexpired term of Robert Humphreys, resigned, ending June 30, 2004; and George Kegley and Charles E. Jordan for terms ending June 30, 2004, as members of the Roanoke Arts Commission

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES Smith	3: Council		•	•	•	•	•
NAYS	6: None					 	 0.
(Council Me	ember Fitzp	atrick was	absen	t.)			

#### **REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.** 

#### PETITIONS AND COMMUNICATIONS:

ARMORY/STADIUM: Brian J. Wishneff, representing Citizens for a Sensible Stadium Decision, appeared before Council in support of renovating Victory Stadium; and advised that because Victory Stadium was constructed in 1942 does not mean that the facility has out lived its useful life when many other great stadiums in the United States were constructed prior to Victory Stadium.

In delivering his presentation, Mr. Wishneff reviewed various documents that are on file in the City Clerk's Office; i.e.: a stadium comparison of the new Victory Stadium/Amphitheater and a renovated Victory Stadium; excerpts from consultants reports by Cellar Door Promotions, C. H. Johnson Consulting, and International Sports Properties; a Chronology of Studies and Cost Estimates from January 1996 -August 2000; a document entitled, "Stadium/Amphitheater: an Evaluation Process," prepared by Barry L. Marsh, Architect and Certified Value Specialist; a Victory Stadium Renovation/Replacement Study (Budget Analysis), prepared by Rosser International; copy of an e-mail from Michael Pulice, Architectural Historian, Roanoke Regional Preservation Office, Virginia Department of Historic Resources, with regard to the possibility of historic status for Victory Stadium; Project Costs for Victory Stadium with State and Federal Historic Tax Credits; copy of an e-mail from Dr. E. Wayne Harris, Superintendent of Schools, with regard to the Schools' Transportation operation; New Stadium Operating Budget Comparisons; Annual **Economic Comparison of Victory Stadium to the Proposed Stadium/Amphitheater**; copy of an e-mail from the City's Utilities Engineer with regard to the Flood Reduction Project; copy of an e-mail from the City Engineer with regard to funding for the Roanoke River Flood Reduction Project; Section 36.1-429, Code of the City of Roanoke, (1979), as amended, with regard to seating for spectator purposes; remarks of former Council Member William H. Carder before the Board of Zoning Appeals with regard to lights from the field at Hidden Valley Intermediate School; a quote from Eric Earnhardt as contained an article in The Roanoke Times, on behalf of Carilion Roanoke Memorial Hospital, with regard to Carilion's new parking garage next to Victory Stadium; remarks of Council Member William D. Bestpitch at the October 15, 2002 Council meeting with regard to the importance of preservation; and a document with regard to amphitheaters, four main reasons why multi-use facilities do not work.

Mr. Mark Hurley, 1018 Howbert Avenue, S. W., advised that Victory Stadium has been discussed in various formats since 1995, and in 2001, Council proclaimed that it had finally made a decision regarding the facility and it was time to move forward. He expressed concern that when old issues are revisited, old wounds in the City of Roanoke are reopened, therefore, Council should move forward with the decision that was made in 2001. He stated that Council's vote was 6 - 0 to construct a new stadium in 2001; in an effort to think "outside of the box", Mr. Wishneff is trying to make the point that multi-purpose complexes are being abandoned by communities such as Cincinnati, Philadelphia and Pittsburgh; and such facilities are referred to as "cookie cutter" stadiums which were built in the 1970's as dual facilities for professional football and baseball and used for a short time. He stated that teams are abandoning these types of stadiums, not because of their use, but because they make more money by constructing their own stadiums. He referred

to Mr. Wishneff's remarks regarding football stadiums that were constructed prior to Victory Stadium, and pointed out that those stadiums have been constantly renovated, while nothing has been done to Victory Stadium in approximately 60 years; and upon renovating, the City will probably discover that renovation costs will be much higher. He advised that the question before Council is: Victory Stadium can be renovated, but 15 years from now, will Victory Stadium be the quality of stadium that represents the citizens of Roanoke and those high school students who play sports in the facility? He stated that Roanoke's students do not deserve a mediocre, or just adequate facility, they deserve a standard of quality. He advised that Council has made good and sound decisions about the forward progress of the City; although it has been difficult at times, Council has already made the right decision regarding the Victory Stadium issue; all of the facts have been reviewed; there may be problems to overcome with the proposed new stadium/amphitheater, such as parking, neighborhood issues, lights, etc., but in making its decision, Council and City staff are committed to ensuring that the new facility will work.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke against a new stadium/amphitheater on Orange Avenue due to traffic concerns which have not been adequately addressed; and the City of Roanoke currently has a quality stadium that can be renovated. He stated that the question should be decided by the voters of Roanoke through a referendum.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the City of Roanoke has a history of destroying its historical buildings and historical sites, which must stop; and asked that Council reconsider its decision to move forward with the Orange Avenue stadium/amphitheater complex. She referred to petitions signed by citizens from all quadrants of the City who favor the renovation of Victory Stadium because of its historical value. She stated that residents of Gainsboro do not want the stadium/amphitheater to be constructed in their neighborhood because it is the wrong location for an amphitheater, which facilities are typically constructed in a quiet and serene location without all of the traffic concerns that the Orange Avenue site will raise.

Mr. Tom Link, 2201 Carolina Avenue, S. W., addressed the vision for the future of Victory Stadium and the City's duty to honor the deed of 1941 with Norfolk and Western Railway (NS) which requires that the City maintain Victory Stadium. He advised that in the 1970's, the City of Indianapolis made a decision to pursue the sports market; by 1998, there was a \$1.13 billion impact on the City of Indianapolis, with eight governing bodies of sports headquartered in the City, 17 new sites have been added through either renovation or new construction, \$400 million has been generated in building construction, with over \$700 million added in payrolls, or

about \$35 million a year. In summary, he stated that the City of Indianapolis made visionary decisions to strive for a certain goal; and the City of Roanoke has the same vision and possibilities with Victory Stadium and the sports complex that currently surrounds Victory Stadium. Secondly, he referred to the City of Charlottesville, the home of Scott Stadium, and advised that in 1962, Scott Stadium held less than 10,000 people, while today, the facility is a 60,000 seat venue, which did not happen by accident, but by design. He stated that Victory Stadium has unused space under the grandstands consisting of 170,000 square feet that could be developed; and if one takes out 50,000 square feet for locker rooms and concessions and another 20,000 square feet for storage, etc., 100,000 square feet could be turned into office space at \$10.00 per square foot, therefore, \$1 million per year would be generated from the facility. He referred to the agreement with the Norfolk and Western Railway, through the Virginia Holding Corporation, that the City would maintain Victory Stadium; however, over the years, the City has not honored its pledge. He inquired if Victory Stadium has ever been properly marketed as a complex. For the above reasons, he advised that Council should reconsider its vote. because there is a tremendous investment in Victory Stadium and it is a question of capitalizing on what the City already has and determining what it can be in the future.

Council Member Bestpitch and Mr. Wishneff engaged in dialogue regarding the maximum dollar amount proposed by Mr. Wishneff to renovate Victory Stadium; whereupon, Mr. Wishneff responded in the range of \$10 million, along with construction of a separate stand alone amphitheater.

Council Member Cutler referred to a conversation with a promoter who has been instrumental in bringing big time entertainment to Roanoke for the past 15 years who states that he does not use Victory Stadium because it is too risky in terms of problems with inclement weather and drainage, and he is reluctant to hold concerts in such close proximity to a hospital. He advised that the proposed new facility on Orange Avenue will bring versatility by meeting multiple needs; it will provide a good facility for markets the size of Roanoke's that cannot justify a stand alone arena like the Nisson Center in northern Virginia; and just as the Roanoke Civic Center has successfully accommodated hockey and basketball, the new facility will successfully accommodate up to 10,000 sports fans for games and up to 18,000 spectators for musical and other kinds of amphitheater based entertainment.

Council Member Wyatt called attention to the number of occasions that the Victory Stadium issue has been discussed by the Council in open forums where citizens have had the opportunity to voice their concerns. She expressed concern that by continuing to debate the issue, a message is being sent to Roanoke's young people that the memories of Roanoker's are more important than the future of Roanoke's youth. She stated that Roanoke's express concerns about their young people moving to other areas, and it is this kind of "let me hold on to the past at all costs" that sends Roanoke's young people to places like Atlanta and Charlotte where they have constructed new stadiums. She stated that the Council has listened, it has debated the issue, and it reached a decision in May 2001 to construct a stadium/amphitheater on Orange Avenue.

Council Member Dowe referred to numerous contacts by citizens regarding the issue, and the one question he has asked repeatedly is whether those same citizens use Victory Stadium for anything other than the Fourth of July celebration. He also referred to Roanoke's young people who have expressed excitement because they believed that Roanoke might be constructing a new stadium/amphitheater facility; and if the question is placed on a referendum for a vote by the citizens, a majority of the young people are not of voting age, therefore, their voice will not be heard in the decision. He also referred to dialogue with young people who have moved away from the Roanoke Valley who state that one of the main reasons they left Roanoke was due to the lack of progress and the perception that Roanoke is not moving forward, therefore, they do not wish to return to the Roanoke Valley to live. He added that if there are promoters who are reluctant to bring entertainment venues to Victory Stadium because of its proximity to a hospital, it would be detrimental for entertainment to be a part of Victory Stadium, or an amphitheater. He referred to optimism by some citizens regarding the ability to do new things at a new place, and asked the following question of Roanoke's citizens: If Victory Stadium is renovated, will the citizens of Roanoke support the facility at times other than the Fourth of July celebrations.

Council Member Bestpitch referred to previous comments regarding the success of Shaftman Performance Hall at the Jefferson Center, however, one of the reasons that Shaftman Performance Hall has succeeded beyond the expectations of many is because the facility is the right size. He referred to recent high profile performances at the Roanoke Civic Center that were not sold out events, therefore, there is no evidence to suggest that the City can sell thousands of tickets to 30+ outdoor performances at a stand alone amphitheater. He stated that all persons who have expressed an opinion on the issue have a sincere interest in what is best for the future of the City of Roanoke; Ms. Wyatt previously mentioned Council's process in reaching its previous decision; Mr. Wishneff pointed out that there was not a great

deal of public discussion about the decision to change the location and to construct a new facility in a different location; and the Council should have done a better job of communicating the design and the proposal to the public prior to voting on the issue. Therefore, Mr. Bestpitch moved that the July 21, 2003 meeting of City Council be recessed until Thursday, July 31, 2003, in the Roanoke Civic Center Auditorium, for the purpose of holding a public forum on the proposed stadium/amphitheater project, to enable the issue to be explained to the public. He encouraged the City administration to solicit assistance by news media throughout the community to serve on a panel to receive and review written questions to ensure that there are a variety of questions without duplication. The motion was seconded by Mr. Cutler.

The Mayor suggested that Council establish the ground rules as to composition of the panel; whereupon, Mr. Bestpitch clarified his motion to provide that the City administration will include as many members of the news media as possible by including a broad representative panel consisting of newspapers, radio stations, and television stations; and questions will be submitted by the public.

Vice-Mayor Harris advised that his sense from the community is that there is an overwhelming majority who believe that the stadium/amphitheater at the Orange Avenue site is the wrong project in the wrong place for the wrong amount of money, which is not to say that he does not see merit in the new stadium/amphitheater. However, he stated that the point he would like to make is that the \$18 million is not a check that Nelson Harris will have to write, it is a rather large check that involves the money of Roanoke's citizens, and it is unwise for the Council to continue down a path of an \$18 million project which, the overwhelming majority of the community, does not want and does not support. He stated that the public forum could be held, but it appears to be a little too late; the entire idea of representative democracy is that the Council is elected to represent the will of the community, which is a responsibility that he takes seriously, and he will try to honor what he has heard in an overwhelming way from the citizens of the City of Roanoke. He stated that he will support the motion, although it is not a wise stewardship of the Council's time; and during the public forum process, he asked that citizens be given the opportunity to respond or to share their opinions.

The Mayor called attention to a different point of view on the stadium/amphitheater project, and inquired if representatives of Citizens for a Sensible Stadium Decision will be afforded the opportunity during the public forum to present their views; whereupon, Mr. Bestpitch clarified that that was not the intent of his motion.

Following further discussion, by consensus of the Council, the following motion offered by Mr. Bestpitch, seconded by Mr. Cutler, with friendly amendments proposed during the discussion, was adopted:

A public forum will be held on Thursday, July 31, 2003, at 7:00 p.m., in the Auditorium of the Roanoke Civic Center, with regard to the proposed stadium/amphitheater project.

7:00 - 7:30 p.m. Presentations by City staff/consultants, etc.

7:30 - 8:00 p.m. Questions from citizens

8:00 p.m. - until Remarks by citizens

At 4:05 p.m., Council Member Bestpitch left the meeting.

COMMITTEES-HOUSING/AUTHORITY: Brenda Powell, Chair, Fair Housing Board, presented the 2003 Annual Report of the Fair Housing Board.

Ms. Powell advised that for the fiscal year 2003, the Fair Housing Board began the task of addressing the 42 impediments in the 2001 Fair Housing Study; community meetings were held to help categorize and prioritize the list of impediments and impediments fell into three main categories: Regional Cooperation, Regional Transportation, and Education and Outreach.

With regard to Regional Cooperation, she stated that Council is requested to develop a strategy to address fair housing with other surrounding governments because it is important to all citizens to live harmoniously together in the Roanoke Valley, to share the housing burden, and to live free of discrimination. She added that Council is requested to address Regional Transportation with surrounding governments and businesses because it affects all citizens, personnel and productivity, and it places a limitation on housing choices and affects economic status. In regard to education and outreach, Ms. Powell advised that the Fair Housing Board addressed fair housing through training sessions for Board members, staff and housing providers, a facilitator from the Virginia Fair Housing Office participated and 25 persons attended the training sessions; two workshops on zoning and fair housing were held, which were attended by Fair Housing Board members, City staff, members of the Board of Zoning Appeals, the Architectural Review Board and personnel and housing providers from the City of Salem and Roanoke County; Members of the Fair Housing Board attended the Annual Housing Conference which was held at The Hotel Roanoke, they attended and co-sponsored the Housing Seminar with the Roanoke Regional Housing Network; members are working to bring the City's fair housing ordinance into compliance and they are also working on a Fair Housing booklet; a Fair Housing Fair was held at Valley View Mall; fair housing awareness has been created using billboards throughout the City; and members of the Board participated in the Southeast by Design Family Fun Day with displays and handouts.

In summary, Ms. Powell advised that there is an increased awareness and knowledge of fair housing in the City of Roanoke; the City is on its way to providing a better housing arena for all citizens to participate fully in the housing market without social or economic discrimination; concerns for next fiscal year include: education and outreach, to serve as advisors, to complete the fair housing pamphlet/booklet, to check on the status of regional cooperation and transportation, and most of all, to begin the process where the City of Roanoke is the leader in fair housing.

Without objection by Council, the Mayor advised that the Annual Report would be received and filed.

**REPORTS OF OFFICERS:** 

**CITY MANAGER:** 

**BRIEFINGS: NONE.** 

ITEMS RECOMMENDED FOR ACTION:

LANDMARKS/HIST.PRESERVATION: The City Manager submitted a communication advising that the Certified Local Government Program (CLG) establishes a partnership between local governments, the Federal Historic Preservation Program, and the Virginia Department of Historic Resources (VDHR); the program allows VDHR to certify local governments for their preservation program in exchange for future funding opportunities; goals of the program are to promote viable communities through preservation, to recognize and to reward communities with sound local preservation programs, and to establish credentials of quality for local preservation programs; and 24 local governments in Virginia currently have CLG status, including the Cities of Alexandria, Charlottesville, Lynchburg, Richmond, Williamsburg, and Winchester.

It was further advised that acceptance into the CLG program enables localities to be eligible to apply for grants that can be used for a variety of purposes; grants are typically on a 50/50 match basis and can be used for survey and nomination of historic areas or properties, preservation planning, public education programs, training, and rehabilitation of historic public buildings; and should the City apply for and be awarded any such grants in the future, local match funding would have to be identified.

It was explained that listing on the National Register of Historic places is an economic development and revitalization tool because of rehabilitation tax credits that are available; many areas of the City may be eligible for listing on the National Register, but need to be surveyed and nominated; and the CLG program would make grant money available for an ongoing historic survey program in the City of Roanoke.

It was further explained that the Vision 2001-2020 Comprehensive Plan supports the survey and nomination of historic districts, and recommends that Roanoke undertake a comprehensive inventory of historic properties and areas in the City and consider historic districts; the plan further recommends that neighborhood and stakeholder input be considered in the inventories, and the City should promote local, State and Federal incentives to encourage rehabilitation of historic districts; the City's current program meets requirements for becoming a Certified Local Government; no change in the City Code, or the City's policies, or practices is required; and to maintain Certified Local Government Status, an annual report on activities to the Virginia Department of Historic Resources is required.

The City Manager recommended that Council adopt a resolution authorizing the City Manager to apply for acceptance into the Certified Local Government Program and to execute the necessary documents.

Mr. Dowe offered the following resolution:

(#36430-072103) A RESOLUTION authorizing the City Manager to apply for acceptance into the Certified Local Government Program of the Virginia Department of Historic Resources; and to take other related actions as necessary.

(For full text of Resolution, see Resolution Book No. 97, page 508.)

Mr. Dowe moved the adoption of Resolution No. 36430-072103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe and Mayor Smith	5.
NAYS: None	O
NAY5: NOTE	·U.

(Council Members Fitzpatrick and Bestpitch were absent.)

BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the Department of Criminal Justice Services notified the City of Roanoke and Roanoke County of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG); allocation of \$48,493.00 in Federal funds was awarded jointly to the two jurisdictions, and a joint local match of \$5,388.00 is required.

It was further advised that the allocation formula provides \$34,706.00 Federal and \$3,856.00 match for the City of Roanoke, and \$13,787.00 Federal and \$1,532.00 match for Roanoke County; staff from both jurisdictions have met and developed program proposals for use of the funds; Roanoke County will provide a substance abuse intervention education program through the schools; the City of Roanoke, in collaboration with the Boys & Girls Club, will provide services to students suspended or otherwise absent from school during the day; funding for the City's match of \$3,856.00 is available in Account No. 001-631-3330-1002, Outreach Detention; and the City of Roanoke will serve as fiscal agent for the funds.

The City Manager recommended that she be authorized to accept the \$48,493.00 JAIBG grant allocated to the City of Roanoke for \$34,706.00, and to Roanoke County for \$13,787.00 and to execute the agreement with the Department of Criminal Justice Services; that Council appropriate \$53,851.00 and increase corresponding revenue estimates of \$48,493.00 in Federal funds and \$1,532.00 in County match funds in accounts to be established by the Director of Finance in the Grant Fund Account and transfer \$3,856.00 from Outreach Detention, Account No. 001-631-3330-1002, to the above established Grant Fund account.

Mr. Harris offered the following budget ordinance:

(#36431-072103) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 510.)

Mr. Harris moved the adoption of Ordinance No. 36431-072103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Fitzpatrick and Bestpitch were absent.)

Mr. Dowe offered the following resolution:

(#36432-072103) A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 97, page 512.)

Mr. Dowe moved the adoption of Resolution No. 36432-072103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe, and Mayor Smith -----5.

NAYS: None------0

(Council Members Fitzpatrick and Bestpitch were absent.)

BUDGET-GRANTS: The City Manager submitted a communication advising that notification has been received from the Commonwealth of Virginia Commission for the Arts that a \$5,000.00 Local Government Challenge Grant has been awarded to the City of Roanoke; and application for the grant was made at the request of the Arts Council of Roanoke Valley, Mill Mountain Theatre, Opera Roanoke, Roanoke Symphony Orchestra, and Young Audiences of Virginia.

It was further advised that in order to receive the funds, the Commission must obtain written confirmation that local tax revenue dollars will be used to match or exceed the amount of the grant; and for fiscal year 2003-04, the above referenced organizations will receive local tax dollar funding through the Roanoke Arts Commission, in the following amounts.

Arts Council of Blue Ridge	\$13,165.00
Mill Mountain Theatre	11,665.00
Opera Roanoke	7,966.00
Roanoke Symphony Orchestra	26,865.00
Young Audiences of Virginia	3,966.00

Grant funds will be distributed to the five sponsoring agencies in the amount of \$1,000.00 each.

The City Manager recommended that she be authorized to execute the necessary documents, including documents that will provide for indemnification by the City, which are required for acceptance of the grant, to be approved as to form by the City Attorney; appropriate \$5,000.00 in State grant funds and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund entitled, "Challenge Grant FY 04".

Ms. Wyatt offered the following budget ordinance:

(#36433-072103) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 513.)

(Council Members Fitzpatrick and Bestpitch were absent.)

FDETC: The City Manager submitted a communication advising that the proposed Workforce Investment Area III Chief Local Elected Officials Charter Agreement will replace the existing agreement continuing the Fifth District Employment and Training Consortium; the purpose of the prior local governmental agreement between the participating jurisdictions was for administration of the Workforce Investment Act (WIA) through continuation of the Fifth District Employment and Training Consortium (FDETC), an agency established to provide administrative and programmatic oversight of regional workforce development initiatives; and since that time, the FDETC has closed its doors and jurisdictional membership was changed when the City of Clifton Forge voted to join Alleghany County.

#### It was explained that:

- •The existing Agreement should be replaced with a document that accurately reflects the current situation, dissolution of the FDETC and revised membership.
- •Federal WIA regulations allow the reconfiguration of service delivery areas to reflect and accommodate regional priorities and alliances such as the addition of Clifton Forge to Alleghany County.

The City Manager recommended that Council approve the Workforce Investment Area III Chief Local Elected Officials Charter Agreement to reflect changes as above referenced.

Mr. Dowe offered the following resolution:

(#36435-072103) A RESOLUTION authorizing adoption of the Workforce Investment Area III Chief Local Elected Officials Charter Agreement to replace the exisiting Fifth District Employment and Training Consortium Agreement and authorizing the Mayor to execute such Agreement, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 514.)

Mr. Dowe moved the adoption of Resolution No. 36435-072103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe and Mayor Smith------5.

(Council Members Fitzpatrick and Bestpitch were absent.)

BUDGET-GRANTS-FIFTH PLANNING DISTRICT COMMISSION: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions

establishing participation in a regional effort and appointed a local official to serve: Cities of Roanoke, Salem and Covington, Counties of Roanoke, Craig, Botetourt and Alleghany, and the Towns of Clifton Forge and Vinton; and other members of the DSB include representatives from business and consumers.

It was further advised that Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595; the State Department of Rehabilitative Services has allocated funds in the amount of \$15,000.00 for a one-year period to provide direct services that will assist physical and sensory disabled individuals with home based personal care services; and the grantee, Family Services of Roanoke Valley, will provide the required \$1,666.00 cash match.

The City Manager recommended that Council appropriate \$15,000.00 in State grant funds for the DSB and establish a corresponding revenue estimate in certain accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36436-072103) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 516.)

Mr. Dowe moved the adoption of Ordinance No. 36436-072103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt,	Cutler, Dowe and Mayor Smith5
NAYS: None	0,

(Council Members Fitzpatrick and Bestpitch were absent.)

BUDGET-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that on August 7, 2000, Council authorized the City Manager, by resolution, to apply to the Virginia Department of Housing and Community Development for \$100,000.00 for the Derelict Structures Fund grant on behalf of the Northwest Neighborhood Environmental Organization and Two B

Investments; funds may be utilized for acquisition, demolition, removal, rehabilitation or repair of specific, targeted derelict structures; a 100 per cent match of local funds is required; funds were awarded and the funding agreement was executed between the City and the Department of Housing and Community Development on May 29, 2001; the Northwest Neighborhood Environmental Organization has expended its \$50,000.00 allocation; due to unforeseen issues, Two B Investments was unable to utilize funds as required in a timely manner; therefore, the City of Roanoke has \$50,000.00 in unexpended funds available.

It was further advised that at this time Blue Ridge Housing Development Corporation ("Blue Ridge"), a local non-profit housing group, wishes to use the remaining \$50,000.00 to renovate property located at 1018 Jamison Avenue, S. E., which property is located in the Southeast by Design neighborhood; the house was constructed in 1900 and contains 2,793 square feet; the property is vacant and in poor condition and has experienced partial gutting; proposed redevelopment includes gutting, interior and exterior rehabilitation, electrical and plumbing upgrades, HAVC and emergency upgrades, and water and sewer upgrades; Blue Ridge Housing Development Corp. can immediately begin work on the property for use as a showcase property to market the Southeast project; the property was last used as a four-unit residence and renovations would convert the structure back to a duplex featuring the ability to live in one side and rent out the other side; and Blue Ridge Housing Development Corp. is committing \$70,000.00 from line of credit, and in partnership with TAP will commit another \$30,000.00 in private funds for match.

The City Manager recommended that Council allocate the remaining \$50,000.00 Derelict Structures Fund grant to Blue Ridge Housing Development Corp. on a reimbursement basis, and authorize the City Manager to execute an agreement between the City of Roanoke and Blue Ridge Housing Development Corp.

#### Mr. Cutler offered the following resolution:

"A RESOLUTION authorizing execution of an Agreement between the City and Blue Ridge Housing Development Corporation in order to provide funds from the Derelict Structures Fund, in the amount of \$50,000.00, to Blue Ridge Housing Development Corporation for renovation of property located at 1018 Jamison Avenue, upon certain terms and conditions."

Mr. Cutler moved the adoption of the resolution. The motion was seconded by Mr. Dowe.

Mr. E. Duane Howard, 508B Walnut Avenue, S. W., advised that Council Member Dowe should abstain from voting due to a possible conflict of interest inasmuch as he is the recipient of a home through Blue Ridge Housing Development Corporation and a close relative serves on the Board of Directors of Blue Ridge Housing Development Corporation. He stated that it appears that \$150,000.00 will be expended for renovations to the house, while the property next door is valued at \$58,000.00 and another house in close proximity is valued at \$59,700.00. He advised that the City states that it does not have the necessary funds to renovate Victory Stadium, but it appears that the City \$150,000.00 to invest in renovating a house in southeast Roanoke that is in poor condition.

The City Manager advised that the monies represent available State funds set aside for derelict structures; a significant appreciation will occur in the homes as work continues, and the house in question is believed to be a good use of Derelict Structure grant fund monies. She explained that two-thirds of the funds will come from private sources, no City money will be placed in the project, other than the Southeast By Design program; and the program addresses several of the City's goals to increase home ownership and to remove rental property in the southeast section of the City.

The Mayor advised that it appears that \$70,000.00 will be committed by Blue Ridge Housing Development Corporation and \$30,000.00 will be committed by Total Action Against Poverty, with the City of Roanoke authorizing another \$50,000.00, for a total renovation cost of \$150,000.00; whereupon, he requested a clarification by the City Manager. He also inquired as to how Derelict Structures grant funds have been used in the past and opportunities for future expenditure of funds.

The City Manager advised that the \$50,000.00 has been allocated to the City for approximately two years, the City worked with a property owner in the Warehouse Row area that did not proceed with renovation as was indicated, and the City has been requested to reallocate the funds to another project within the City, or to return the funds to the State. She explained that at the time funds were appropriated approximately two years ago, the City received a total of \$100,000.00, \$50,000.00 of which was allocated to the Warehouse Row project, and the other \$50,000.00 was allocated to a project sponsored by the Northwest Neighborhood Environmental Organization which has now been completed. She stated that she would confer with City staff to address the Mayor's questions and respond to the matter either before the end of the Council meeting, or at the Council meeting on Monday, August 4, 2003.

#### **REPORTS OF COMMITTEES:**

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of the following, was before Council.

- \$800,000.00 for the Patrick Henry High School project; funds will be used for architectural fees for development of construction documents and construction management services for the project.
- \$75,000.00 for the Comprehensive School Reform Grant for Huff Lane MicroVillage; funds will provide for replication of successful intervention programs from other school divisions at the school and provide staffing for a MicroSociety program, which includes staff development and skills instruction for students, to be 100 per cent reimbursed by Federal funds.
- \$75,000.00 for the Comprehensive School Reform Grant for Oakland School; funds will provide for replication of successful intervention programs from other school divisions at math skills instruction for students, to be 100 per cent reimbursed by Federal funds.
- \$50,000.00 for the Comprehensive School Reform Grant for Noel C. Taylor Learning Academy; funds will provide for replication of successful intervention programs from other school divisions at the school and implement a basic skills program, which includes staff development and remedial skills instruction, to be 100 per cent reimbursed by Federal funds.
- \$110,295.00 for the Schools' reading program; funds will pay for reading materials for elementary school reading programs; and a private donation has been received for the new program.
- \$5,000.00 for the D-Day Memorial Program; funds will pay for D-Day Memorial visitations by students; and a private donation has been received for the program.

Mr. Dowe offered the following budget ordinance:

(#36437-072103) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 School and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text Ordinance, see Ordinance Book No. 67, page 517.)

Mr. Dowe moved the adoption of Ordinance No. 36437-072103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Fitzpatrick and Bestpitch were absent.)

**UNFINISHED BUSINESS: NONE.** 

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

**MOTIONS AND MISCELLANEOUS BUSINESS:** 

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

TRAFFIC-TRANSPORTATION SAFETY: Council Member Cutler read into the record a communication from Whittington W. Clement, Secretary of Transportation, in connection with a resolution adopted by Council in support of rail alternatives to complement planned improvements to I-81.

TRAFFIC: Council Member Wyatt requested a briefing with regard to the traffic situation at Brandon Oaks Retirement Community.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke in favor of renovating Victory Stadium. He advised that Victory Stadium is a historical site because of its connection to World War II veterans and should be recognized as such. He commended Council for voting to hold a public forum on Victory Stadium on July 31 to allow the citizens of Roanoke to be heard. He stated that issues relative to the City's agreement with the Norfolk and Western Railway Company to maintain the land, and the cost of constructing a new stadium/amphitheater on Orange Avenue should be more fully addressed. He inquired as to why an American flag is not flown at Victory Stadium.

Mr. E. Duane Howard, 508B Walnut Avenue, S. W., encouraged Council to hold the public forum on the proposed stadium/amphitheater project on a Saturday to allow for broader citizen participation. He advised that sentiments expressed by citizens when signing the petition against the Orange Avenue site is that many people are excited about the proposed new stadium/amphitheater facility, but they were disappointed when they learned of the possibility that Victory Stadium might be torn down. He stated that the public forum should be handled in such a way that there is sufficient time for explanation of the project and for questions and remarks by citizens; therefore, holding the public forum on a Saturday and continuing until all speakers have been heard is the right thing to do.

### **CITY MANAGER COMMENTS: NONE.**

At 4:50 p.m., the Mayor declared the meeting in recess for two Closed Sessions.

At 5:50 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Members Fitzpatrick and Bestpitch.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe, and Mayor Smith	n5
NAYS: None	0

(Council Members Fitzpatrick and Bestpitch were absent.)

OATHS OF OFFICE-COMMITTEES-FIFTH PLANNING DISTRICT COMMISSION: The Mayor advised that there is a vacancy on the Roanoke Valley-Alleghany Regional Commission, created by expiration of the term of office of David K. Lisk; whereupon, he opened the floor for nominations.

Ms. Wyatt placed in nomination the name of Jennifer L. Pfister.

There being no further nominations, Ms. Pfister was appointed as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2006, by the following vote:

FOR MS. PFISTER: Council Members Harris, Wyatt, Cutler, Dowe, and Mayor Smith------5.

(Council Members Fitzpatrick and Bestpitch were absent.)

OATHS OF OFFICE-FLOOD REDUCTION/CONTROL: The Mayor advised that the one year term of office of Edgar V. Wheeler as a member of the Flood Plain Committee expired on June 30, 2003; whereupon, he opened the floor for nominations.

Ms. Wyatt placed in nomination the name of Edgar V. Wheeler.

There being no further nominations, Mr. Wheeler was reappointed as a member of the Flood Plain Committee for a one year term ending June 30, 2004, by the following vote:

FOR MR. WHEELER: Council Members Harris, Wyatt, Cutler, Dowe, and Mayor Smith-----5.

(Council Members Fitzpatrick and Bestpitch were absent.)

At 5:55 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, July 21, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Vice-Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr. (arrived late), C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith (arrived late)-----6.

ABSENT: Council Member William D. Bestpitch-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGMENT: Vice-Mayor Harris advised that Shining Star Awards are presented to persons who go above and beyond the call of duty to be of service to their fellow man and woman and to their community.

On behalf of the Members of Council and citizens of the City of Roanoke, he stated that he was pleased to present a Shining Star Award to Ms. Melissa Williams, a dispatcher in the City's 911 Center. He explained that on the evening of June 11, 2003, the 911 Center received a suspicious circumstances call advising that a male subject had been talking to a friend who was staying at a local hotel; the victim was talking from a cell phone in the parking lot of the hotel when the victim's friend heard some type of altercation over the telephone and the telephone line was disconnected; Dispatcher Williams was working the police board on this particular evening and dispatched the call; police officers, without success, checked the parking lot for the victim's vehicle, and then called the victim's cell phone number because they believed that there was a possibility of foul play. He further explained

that Dispatcher Williams contacted the victim's credit card company and was advised that the victim had used a local ATM machine, at which point Dispatcher Williams arranged to have the video tape at the ATM forwarded to the Detective Bureau the following day. He advised that shortly thereafter, another jurisdiction contacted the City to advise that an individual had reported being abducted from a Roanoke hotel at gun point, forced into the trunk of her vehicle and she had escaped after the suspects let her sit in the back seat when stopping at an ATM; later, the victim's vehicle returned to Roanoke City where a police officer spotted it, a vehicle pursuit took place, and all three suspects were apprehended by police.

Vice-Mayor Harris advised that Dispatcher Williams remained on the job beyond her normal work hours in order to coordinate information with the next shift of dispatchers; and she is to be commended for her exemplary actions which helped to avert what could have been a more tragic outcome.

FIRE DEPARTMENT-ACTS OF ACKNOWLEDGMENT: Kenneth Harper, representing the Board of Directors and Members of Roanoke Emergency Medical Services, addressed Council on the occasion of the anniversary of 75 years of volunteer service to the Roanoke Valley. He advised that Julian Stanley Wise and nine other persons formed the Roanoke Life Saving Crew, the first of its kind, with the goal of providing emergency life saving skills at the scene of an accident, drowning or other emergency. He stated that word spread of the work of Roanoke's volunteers and many communities called upon them to aid in rescue efforts and to assist in organizing rescue squads in other areas; many advances in training and equipment have taken place during this time, but the idea of people helping people in need continues; and the citizens of Roanoke should be proud to be the home of the first life saving and first aid crew in the world.

Mr. Harper expressed appreciation to current and past City Council Members for their years of continued support, thereby keeping the history, vision and volunteer spirit of Julian Stanley Wise alive; whereupon, he presented a plaque to the City of Roanoke in recognition of Honorary Life Membership to Roanoke Emergency Medical Services.

### **PUBLIC HEARINGS:**

ECONOMIC DEVELOPMENT-BUILDINGS/BUILDING DEPARTMENT-CITY PROPERTY-LEASES: Pursuant to notice of advertisement for bids, the Vice-Mayor advised that bids were to be received in the City Clerk's Office for extension of the lease agreement to an existing lease of City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., until 1:00 p.m., on Monday, July 21, 2003, and the bids were to be held, unopened, by the City Clerk until the 7:00 p.m. session of Council; whereupon, the Vice-Mayor inquired if there were persons in the Council Chamber who had questions or objections with regard to the opening of the bids.

Hearing none, the Vice-Mayor called upon the City Clerk to open the bids; whereupon, the City Clerk advised that only one bid was received prior to the deadline from Warehouse Row, L. P.

The Vice-Mayor advised that the bid would be referred to the City Manager for report and recommendation to Council.

Pursuant to instructions by the Council, the City Clerk having advertised a pubic hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a lease extension agreement to an existing lease of City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, July 7, 2003, and Monday, July 14, 2003.

At this point, the Mayor entered the meeting and presided over the reminder of the Council session.

The City Manager submitted a communication advising that in August, 2002, the City of Roanoke entered into a lease agreement with Warehouse Row, L.P. for the lease of property known as the Warehouse Row buildings located at 117 and 119 Norfolk Avenue, S. W., for a 40 year term, beginning September 1, 2002; as Warehouse Row, L.P. is utilizing historic tax credits to fund renovation of the buildings, funding requires a lease greater than 39½ years from the time renovation is complete; and since renovation is expected to be complete in August, 2003, Warehouse Row, L.P. is requesting the City to amend the lease agreement so that the lease will provide for a term of 40 years, commencing July 25, 2003, which will allow Warehouse Row, L.P. to meet historic tax credit requirements, with all other terms of the existing lease to remain in full force and effect.

It was further advised that since the amendment and lease extension involve a period of more than five years, applicable statutes require an invitation to receive bids for the extension and a public hearing by the governing body; an invitation to bid and a notice of public hearing were advertised and bids were to be submitted by 1:00 p.m., on July 21, 2003, with a public hearing to be held by the Council at 7:00 p.m.

The City Manager recommended, following the public hearing and opening and consideration of the bids, that Council accept the most responsive bid and authorize the City Manager to execute a second amendment and lease extension to extend the lease of the property for a term of 40 years, commencing July 25, 2003, to be approved as to form by the City Attorney; and authorize the City Manager to take such further action as may be necessary to accomplish the lease extension.

# Mr. Cutler offered the following ordinance:

(#36438-072103) AN ORDINANCE accepting the bid of Warehouse Row, L. P., and authorizing a second amendment and the extension of an existing lease between the City of Roanoke and Warehouse Row, L. P., for the lease of property known as the Warehouse Row Building located at 117 and 119 Norfolk Avenue, S. W., (the "Property"); authorizing the City Manager to execute such second amendment and lease extension; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64, page 520.)

Mr. Cutler moved the adoption of Ordinance No. 36438-072103. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

Don Buffington, representing Warehouse Row, L. P., expressed appreciation for the City's support of the Warehouse Row project.

No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no questions/discussion by Council, Ordinance No. 36438-072103 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, Dowe, and Mayor Smith -----5.

NAYS: None-----0.

(Council Members Fitzpatrick and Bestpitch were absent.)

At this point, Council Member Fitzpatrick entered the meeting.

ZONING: Pursuant to Resolution No. 25523 adopted by Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Boutros and Sheila Melki that a tract of land located at 926 Indiana Avenue, N. E., identified as Official Tax No. 3060505, be rezoned from RM-1, Residential Multifamily, Low Density District, to CN, Neighborhood Commercial District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, July 7, 2003, and Monday, July 14, 2003.

The City Planning Commission submitted a written report advising that the subject parcel, zoned RM-1, Residential Multifamily, Low Density District, contains approximately 13,222 square feet; a 1,800 square foot, one story structure, formerly used as a church fellowship hall, is located on the subject parcel and fronts on Indiana Avenue; and a 900 square foot covered porch is attached to the eastern end of the building, was before Council.

It was further advised that the petitioner proposes to maintain the existing building and to provide an appliance repair center; such use would be permitted in a CN district; however, CN rezoning is inappropriate in this case; the CN district is intended to maintain or create commercial core areas within a neighborhood, rather than permitting the unplanned dispersion of commercial uses throughout the area; and a rezoning of the subject parcel of land in order to allow a single commercial use among primarily residential uses is not consistent with the intent of the CN district.

The City Planning Commission recommended that the request be denied; and advised that given the surrounding land use pattern and the intent of the CN, Neighborhood Commercial District, the Planning Commission cannot support the request for rezoning to CN.

Mr. Dowe offered the following ordinance:

"AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 306, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance."

Mr. Dowe moved the adoption of the ordinance. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

Eric R. Spencer, Attorney, representing Boutros and Sheila Melki, advised that his clients purchased a former church fellowship hall containing approximately 1800 square feet for the purpose of establishing a small appliance repair business; the property is separated from a Light Manufacturing zone by one viable residential property, and the owner of the property was present to express his support of the request for rezoning. He stated that even though the proposed use is not true neighborhood commercial, it is a viable use inasmuch as it is approximately 60 - 70 feet from a Light Manufacturing district.

Mr. Fred Crews, 918 Indiana Avenue, N. E., spoke in support of the request for rezoning. He advised that he owns property next door to the property in question, the building was sold to Mr. and Mrs. Melki under false pretenses, other businesses operate in the area, and Mr. Melki should be permitted to operate his small appliance business at the proposed location.

Mr. Richard Hendricks, 933 Missouri Avenue, N. E., advised that the community is a small neighborhood composed of single family homes; there are no sidewalks in the neighborhood and the only access from house to house is by street, therefore, a commercial property would increase traffic and lead to hazardous conditions for children who live in the neighborhood; more noise would be generated as a result of the commercial establishment and property values would

decease. He called attention to no trespassing signs which were installed on the property by the petitioners following denial of the request for rezoning by the City Planning Commission, and large appliances have been moved into the building by the petitioners. He stated that the neighborhood would like to grow with single family homes, rather than businesses, and asked that Council support the residents of the area by denying the proposed rezoning, thus allowing the neighborhood to remain a quiet and safe place to live.

Mr. Allen Mueller, 3299 Happy Hollow Road, Blacksburg, Virginia, Elder, Church of Christ, advised that a small appliance business will not impact traffic or threaten the safety of residents. He stated that the building purchased by Mr. Melki was not constructed for residential purposes, but for use as a fellowship hall, the building contains no bedrooms, a small kitchen area, two restrooms and a covered patio, therefore, in order for the structure to be used as a residence, major construction will be required.

R. Brian Townsend, Agent, City Planning Commission, called attention to a concern of the City Planning Commission in regard to establishing a commercial use in the middle of a residential neighborhood; and advised that the Planning Commission was swayed by the 32 signatures on a petition signed by residents of the neighborhood. He further advised that the City Planning Commission was also concerned that a significant amount of property in the area is currently zoned CN, C-2 and LM and intrusion of commercial zoning in this part of the neighborhood is not only inappropriate in relation to the City's Comprehensive Plan, but also inappropriate zoning in terms of the way a zoning pattern should take place. He noted that the property has a number of available uses other than residential and there are a number of uses, either permitted outright or by special exception from the Board of Zoning Appeals, that are available to the petitioners should the application for rezoning be denied; and there are 27 permitted uses in the CN district that would also be available to the petitioners, or their successors, at this location. He advised that the position of the City Planning Commission and staff is that CN zoning is more appropriate on a major or arterial street that does not have immediate exposure to the internal part of the neighborhood.

No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no discussion/questions by Council, the above referenced ordinance was lost by the following vote:

	AYES: None								
Smith					-		Fitzpatrick		_
(Cau	acil Man	shor Dow	a abstaina	d from s	(oting )	(Council	Mombor Ro	setnit	ch was

(Council Member Dowe abstained from voting.) (Council Member Bestpitch was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of HASI Partnership to amend proffered conditions to rezoning as set forth in Ordinance No. 30040-52190, repealed and amended by Ordinance No. 31443-051793, in connection with property located at 3342 Melrose Avenue, N. W., identified as Official Tax No. 2660417, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 4, 2003, and Friday, July 11, 2003.

The City Planning Commission submitted a written report advising that in May, 1990, Official Tax No. 2660417 was rezoned from C-2, General Commercial District, to LM, Light Manufacturing District, conditional by the adoption of Ordinance No. 30040-52190; proffers were repealed and amended in May, 1993, pursuant to Ordinance No. 31443-051793; a petition to amend proffered conditions was filed on April 30, 2003, a first amended petition was filed on June 5, 2003, a second amended petition to amend proffered conditions was filed on June 26, 2003; and the petitioner requests that the following conditions be repealed:

The subject property shall be used only for any of the following purposes:

- (a) General storage and warehousing establishment engaged in the storage of miscellaneous merchandise not for sale on the same premises;
- (b) Establishment engaged in the wholesale distribution of goods; and
- (c) No outside storage will be allowed on the premises.

It was further advised that the petitioner requests that the following conditions be applied to Official Tax No. 2660417:

- (1) The subject property shall be used only for any of the following purposes:
  - (a) General storage and warehousing establishments engaged in the storage of miscellaneous merchandise not for sale on the same premises;
  - (b) Establishments engaged in the wholesale distribution of goods;
  - (c) Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products and including as an accessory use, the retail sale of goods manufactured on the premises, where all such manufacturing, assembly, mixing, processing or other processes related to the creation of new products, and retail sales of goods manufactured on the premises, are wholly enclosed in a building;
  - (d) Establishments engaged in the retail sale of building or construction supplies and equipment provided the gross floor area of such buildings is not less than 20,000 square feet;
- (2) There will be no freestanding signage on the property;
- (3) Any outside storage shall be screened with a solid fence (wood, vinyl, or metal) so as not to be visible from Melrose Avenue and from the cemetery.

It was explained that the attorney for the petitioner agreed to file a Second Amended Petition to modify the language of proffer number 3 to include the screening of any outdoor storage from the cemetery along the rear of the property, in addition to screening such outdoor storage from Melrose Avenue.

The City Planning Commission recommended the Council approve the request, as amended, given the surrounding land use pattern and proffered conditions.

Mr. Dowe offered the following ordinance:

(#36439-072103) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 266, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned from C-2, General Commercial District, to LM, Light Manufacturing District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 522.)

Mr. Dowe moved the adoption of Ordinance No. 36439-072103. The motion was seconded by Mr. Harris.

Edward A. Natt, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions by Council, Ordinance No. 36400-061603 was adopted by the following vote:

AY	ES:	Council	Members	Fitzpatrick,	Harris,	Wyatt,	Cutler,	Dowe	and
Mayor Sn	nith								6.
NA	YS: I	None							0.

(Council Member Bestpitch was absent.)

EASEMENTS-NEWSPAPERS-DOWNTOWN ROANOKE, INCORPORATED-CENTER IN THE SQUARE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of

Roanoke to allow encroachment into the public right-of-way of four modular newsracks, two of which are to be located near the SunTrust Building, 510 Jefferson Street, S. E., and two to be located at Market Square, S. E., near Center In The Square, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Wednesday, July 16, 2003.

The City Manager submitted a communication advising that City staff has worked with Downtown Roanoke, Inc., (DRI), and various publishers on the placement and appearance of news racks located along public sidewalks throughout the downtown area; two specific locations are currently being addressed to improve the appearance and safety of the racks and to allow various publishers to utilize a uniform modular news rack that will be owned and managed by DRI, eliminating individual racks at those two locations; and DRI has requested permission to install two of the modular news racks, with all necessary appurtenances thereto, at each of the two locations downtown where several individual racks are currently located; and the proposed racks will create encroachments into the public rights-of-way at Franklin Road and at Market Square.

It was further advised that the proposed encroachment at Franklin Road will extend approximately two feet into the sidewalk from the concrete planter; units measure 4 feet wide by 1.5 feet deep and 6 feet wide by 1.5 foot deep; both units are 5 feet high; the sidewalk of Franklin Road at this location is approximately 10 feet wide; the proposed encroachment at Market Square will extend approximately 2 feet into the sidewalk from the curb; the units are the same size as those proposed for the Franklin Road location; the sidewalk of Market Square at this location is approximately 17.5 feet wide; liability insurance and indemnification of the City of Roanoke by the applicant shall be provided, subject to approval of the City's Risk Manager; and the Architectural Review Board granted a Certificate of Appropriateness on July 10, 2003, for the two racks in Market Square inasmuch as they will be installed within an historic district.

The City Manager recommended that Council adopt an ordinance, to be executed by Downtown Roanoke, Inc., and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to allow installation of four modular news racks that encroach into the public rights-of-way as described above.

## Mr. Dowe offered the following ordinance:

(#36440-072103) AN ORDINANCE granting a revocable license to permit the encroachment of two modular news racks extending approximately two (2) feet onto the sidewalk of Franklin Road and two modular news racks extending approximately two (2) feet onto the sidewalk of Market Square, S. E., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 523.)

Mr. Dowe moved the adoption of Ordinance No. 36440-072103. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There was discussion with regard to the chaining of news racks to the City's infrastructure; whereupon, the City Manager advised that the City has increased enforcement and as many of the news racks as possible will be located off of the City's major arterial roadways. She stated that most major cities in the United States have experienced the same problem, and the proposed modular newsrack may be the solution for the future.

Question was raised as to whom will control the content of publications to be included in the news racks; whereupon, the City Manager advised that Downtown Roanoke, Inc., will contract with various companies for the placement of publications in the news racks. She stated that the City's involvement will be to authorize the necessary encroachments for the news racks to be located in the public rights-of-way in the same way that the City would approve an encroachment for an awning into public right-of-way, etc. She added that the expectation is that Downtown Roanoke, Inc., will recover its costs for the modular units, but the proposal is not intended to be a money making venture.

Ordinance No. 36440-072103 was adopted by the following vote:

			Fitzpatrick,	-	•		
•							
	NAYS:	None	 			 	0.

(Council Member Bestpitch was absent.)

LEASES-TELEPHONE EQUIPMENT-WATER RESOURCES-EQUIPMENT: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to lease a portion of the Summit Water Tank and ground site to Nextel WIP Lease Corp., d/b/a Nextel Partners, for installation of antennas and related equipment thereon to provide for radio and wireless telecommunications services, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, July 13, 2003.

The City Manager submitted a communication advising that Council approved and adopted the City of Roanoke Policy as to Wireless Telecommunications Facilities located on City property, dated January 21, 1997, pursuant to a recommendation of the Water Resources Committee dated February 3, 1997.

It was further advised that the City currently provides leased space on three water tanks to Virginia PCS Alliance, L.C., on four water tanks to Triton PCS Property Company, L.L.C., and on one water tank to Cellco Partnership, d/b/a Verizon Wireless; and lease agreements with the companies for use of City water tank facilities provide that the agreements will expire on July 31, 2007, with an option to renew, each upon mutual agreement of the parties.

It was further advised that Nextel WIP Lease Corp., a Delaware corporation, d/b/a Nextel Partners, with its principal office located at 4500 Carillon Point, Kirkland, Washington, has requested to lease a portion of the Summit Water Tank and ground site, which is located in the area of 4500 Franklin Road, S. W., at the end of Summit Way Drive, S. W., Official Tax No. 5380121, to install directional antennas, connecting cables and appurtenances; and Virginia PCS and Triton currently lease space on the Summit Water Tank, however, City staff has determined that space is available for another wireless provider on the site.

It was explained that to lease the property, a lease agreement is required as well as a public hearing; terms and conditions of the lease are in accordance with the City of Roanoke Policy as to Wireless Telecommunication Facilities located on City Property dated January 21, 1997, and substantially similar to existing lease agreements with other entities using the City's water tanks; term of the lease will be for four years, commencing on August 1, 2003, and expiring on July 31, 2007, and may be renewed for up to two five year terms, upon mutual agreement by the parties; the lease requires that the lessee post security to guarantee removal of electronic facilities at the end of the lease, and security in the amount of \$8,500.00 will be required; and rental fees are as follows per month, per provider:

\$1,325.00/month from August 1, 2003, through December 31, 2003.

\$1,550.00/month from January 1, 2004, through December 31, 2004.

\$1,675.00/month from January 1, 2005, through July 31, 2007.

The City Manager recommended that Council approve and authorize the City Manager to execute a lease agreement between the City of Roanoke and Nextel WIP Lease Corp., a Delaware corporation, d/b/a Nextel Partners, in a form to be approved by the City Attorney; and authorize the City Manager to take such further actions and to execute such additional documents as may be necessary to implement and administer the lease agreement.

Mr. Fitzpatrick offered the following ordinance:

(#36441-072103) AN ORDINANCE authorizing the proper City officials to enter into a Lease Agreement between the City and Nextel WIP Lease Corp., a Delaware corporation, d/b/a Nextel Partners, for use of a portion of a City owned water tank and the site on which it sits, which is located in the area of 4500 Franklin Road S. W., at the end of Summit Way Drive, S. W., Tax Map No. 5380121, known as the Summit Water Tank, and which will provide that Nextel Partners will use such area for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further action and execute such additional documents as may be necessary to implement and administer such Lease Agreement; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 525.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36441-072103. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions by Council, Ordinance No. 36441-072103 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Dowe and Mayor Smith------6.

NAYS: None-----0.

(Council Member Bestpitch was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-HOUSING/AUTHORITY: Mr. George Gunther, 3038 Melrose Avenue, N. W., addressed Council in reference to Melrose Towers, where he has been a resident for the past two years. He stated that he is being evicted from Melrose Towers because he called attention to the incompetency of management of the facility, and because he stood up for his rights and the rights of others residing at Melrose Towers.

POLICE DEPARTMENT-SCHOOLS: Mr. Ray Lewis, former School Resource Officer at Patrick Henry High School, advised that he would withdraw his grievance, which was filed against the Police Department, if the City Manager will agree not to change the School Resource Officer Program.

ARMORY/STADIUM: The following persons addressed Council with regard to Victory Stadium:

Mr. Brian Wishneff, 2913 Wycliffe Avenue, S. W., representing Citizens for a Sensible Stadium Decision, advised that at the 2:00 p.m. Council session, he presented a list of approximately 35 stadiums throughout the country; i.e.: Ohio State, Notre Dame, the Rose Bowl, the Orange Bowl, etc., and the one thing that all of the stadiums have in common is that they are older than Victory Stadium;

therefore, a certain segment of Roanokers are offended by comments that Victory Stadium has seen its better days, because older and more famous stadiums are still standing and being used. He stated that the cost to the City of renovating Victory Stadium, when taking into consideration certain tax credits, is approximately \$8 million and the true cost of the proposed new stadium/amphitheater project is over \$21 million. He added that the additional cost to the City, when considering operating costs and debt service costs, are over \$1 million more per year for the new stadium versus Victory Stadium, therefore, the economics are overwhelmingly in favor of renovating Victory Stadium. He called attention to a new eight foot flood wall that will begin construction in the spring of 2004, which, when completed will remove the issue of flooding at Victory Stadium; 4,000 - 5,000 parking spaces will be available as a result of the new Carilion Parking Garage, as well as 20 acres of land that will be purchased across Reserve Avenue by the Roanoke Redevelopment and Housing Authority as a part of the Biomedical Park. He stated that homes near the new stadium/amphitheater site on Orange Avenue are so close to the facility that it will cause a negative impact on property values; and throughout the United States, people are trying to re-create the old historic look which already exists in Roanoke with Victory Stadium; whereupon, he presented a rendering of what a new amphitheater adjacent to Victory Stadium could look like. He advised that he previously pointed out that no record could be found that Council had discussed the new stadium at a public meeting before the vote was taken on May 21, 2001; and it is unprecedented for Council to spend this amount of public money for this kind of public facility without a vote of the citizens by referendum. Therefore, he requested that Council allow the citizens of Roanoke to vote on the issue at a public referendum.

Mr. Marty Gordon, 2720 Peppers Ferry Road, Christiansburg, Virginia, former General Manager and Director of Operations of the Roanoke Rush, advised that during the three seasons that the Roanoke Rush played football at Victory Stadium, less than \$30,000.00 per year was spent to make the field playable; and four major problems existed: outdated public address equipment, cramped locker rooms, deteriorating bricks, and bad field drainage. He stated that he did not wish to speak against the proposed new stadium/amphitheater, and not as a representative of any current or past sports organizations, and his purpose was to speak as an individual citizen. He advised that Victory Stadium could be improved by expanding current locker rooms and problems associated with noise could be addressed by tearing down the current press box and constructing a new press box on the visitor side of Victory stadium.

Mr. Robert Andrews, 1212 Lakewood Drive, S. W., spoke in support of renovating Victory Stadium for future generations of young people who wish to play and enjoy sports at the facility.

Mr. Tom Link, 2201 Carolina Avenue, S. W., advised that amateur sports is big business and could be even bigger for Roanoke City and for the entire Roanoke Valley if Victory Stadium is marketed correctly; and there are valid reasons why Victory Stadium should be renovated and funds invested to make the facility a focal point for the entire Roanoke Valley. He advised that in the 1970's, the City fathers of Indianapolis, Indiana, decided to make sports a part of the City's economic development plan, the result was \$1.18 billion in economic income over a 20 year period, resulting in \$400 million in construction and \$693 million in payrolls, for an investment of \$124 million by the City, which represents a nine to one return on investment. He stated that no location in the City of Roanoke offers a comparable site to Victory Stadium, and asked that Council imagine a total complex with soccer fields, tennis courts, football fields, softball fields, a baseball field, completion of 170,000 square feet of space, with multiple courts for basketball, volleyball, indoor soccer, inline hockey, squash, handball, fitness, cheerleading, state of the art lighting, a new scoreboard complete with video and graphics, the land between Victory Stadium and Maher Field being used as an amphitheater, the river bank being cleaned up to allow for a canoe and kyaking school along the river, and a trolley connecting Victory Stadium and Crystal Spring with downtown Roanoke, the Virginia Museum of Transportation and the Roanoke Civic Center. He added that once the campus for the biomedical institute is in place, knowledge workers will make Roanoke their home.

Mr. John Graybill, 2443 Tillett Road, S. W., called attention to the deteriorated condition of Jefferson High School prior to renovation, and advised that Victory Stadium has not yet fallen into the same state of disrepair and could be renovated. He also called attention to other renovated sites throughout the City, such as the Grandin Theater, Warehouse Rowe, and neighborhood revitalization, etc. He stated that when he served as Principal of Patrick Henry High School, he received no complaints that Victory Stadium was too large, or there was excessive noise, or there was a lack of parking. He referred to competition with the City of Salem and the venues that are hosted by the City of Salem, as opposed to the City of Roanoke, such as the Roanoke Fair which was held at Victory Stadium for many years in the past. He encouraged the City to renovate Victory Stadium and properly promote the facility in the future.

Mr. Tom Bradley, 2042 Westover Avenue, S. W., advised that numerous businesses in the Roanoke Valley would be willing to donate labor and/or products so that Victory Stadium could be renovated.

Mr. Elliott Wheeler, 1408 Maiden Lane, S. W., inquired if the City will be required to return the land to Norfolk Southern if a decision is made to demolish Victory Stadium, pursuant to the terms of a previous agreement.

Mr. Mark Hurley, 1018 Howbert Avenue, S. W., advised that Council has not heard a great deal from those persons who are in favor of the new stadium/amphitheater project on Orange Avenue because Council voted in May 2001 to construct the new facility; and to renovate Victory Stadium to a quality facility will cost more than constructing a new facility. He stated that those cities throughout the United States that have constructed classic stadiums for baseball, such as Tiger Field and Riverfront Stadium, discovered that in the long run the effectiveness of renovating the stadiums was not worth the effort, because new facilities will bring more people, more revenue, more economic growth and a better quality of life. He spoke against holding a referendum for a vote by citizens because the citizens of Roanoke elected the Members of City Council to make those kinds of decisions.

Ms. Barbara Myler, 912 Stewart Avenue, S. E., called attention to fond memories of Victory Stadium, and spoke in support of renovating Victory Stadium so that Roanoke's children will have the opportunity to participate in sports. She advised that Victory Stadium should be renovated as a memorial to Roanoke's World War II veterans.

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, advised that very little money has been spent on Victory Stadium in approximately 30 years; therefore, he requested a complete cost analysis to fully renovate Victory Stadium, as compared to a new stadium/amphitheater. He stated that Victory Stadium was constructed as a tribute to World War II veterans and the citizens of Roanoke have a right to vote in a referendum on the future of the stadium. He added that based upon sentiments expressed by citizens when signing petitions to renovate Victory Stadium, approximately 80 per cent of Roanoke's citizens favor saving Victory Stadium, while 10 to 20 per cent do not know the entire story; therefore, all of the facts need to be presented so that citizens will know what is at stake.

Mr. Richard Lucas, 3019 Corbieshaw Road, S. W., advised that he was appalled at the idea of tearing down Victory Stadium for all of the reasons mentioned by previous speakers. He stated that Victory Stadium is a part of Roanoke's history, with Fourth of July celebrations that have become tradition, attended by thousands of persons from the Roanoke Valley, and there is no other facility in Roanoke that will accommodate that many people.

Mr. Robert Lynch, 2810 Floraland Drive, N. W., advised that Victory Stadium is a political issue as much as a financial issue for the citizens of Roanoke. He stated that the City of Roanoke requires and promotes the preservation of historic buildings in the downtown Roanoke and old southwest areas; therefore, the same principle should apply to preservation of Victory Stadium as a historic landmark; and the Carilion conglomerate should not dictate what happens to Victory Stadium.

He asked that Council place the issue on a referendum and allow the citizens of Roanoke to decide if they want a new stadium/amphitheater, or a renovation of Victory Stadium. He suggested that the Carilion Biomedical facility be constructed on the Orange Avenue site and allow Victory Stadium to remain at its current location.

Mr. Sherman Lea, 1638 Lonna Drive, N. W., advised that Citizens for a Sensible Stadium Decision, started its petition drive approximately 90 days ago, not knowing what kind of reaction it would receive from the public; and there has been an overwhelming public response with support that cuts across every segment of the community - geographic, social, ethnic, economic, political, gender, age - do not build the new stadium/amphitheater, but renovate current Victory Stadium. He explained that some people support Victory Stadium for sentimental reasons, some persons do not support the new stadium/amphitheater project because of traffic concerns and noise from the interstate, combining the two facilities, the potential for a negative impact on property values, costs, and some believe that construction of a separate amphitheater is a better alternative; but the one thing that all persons seem to agree on is the opportunity to give the citizens of Roanoke a chance to vote on the issue through a public referendum. On behalf of Citizens for a Sensible Stadium Decision, he presented the Mayor with petitions signed by approximately 5,126 Roanoke City voters and 2,040 signatures from persons throughout the Roanoke Valley.

The Reverend Johnny Stone, 1801 Lynn Street, N. W., spoke on behalf of the Gainsboro community and the Roanoke Valley, because the issue crosses racial and cultural lines since citizens of the City of Roanoke will pay for the new stadium, or renovations to Victory Stadium, with their tax dollars. He stated that the Lincoln Terrace and Gainsboro communities have fallen victim to the progress of the City of Roanoke many times in the past; and \$15 million plus has been devoted to the Lincoln 2000 project, therefore, he requested that the City not ruin a \$15 million community project with loud noise, bumper to bumper traffic, parking problems, and bright lights, etc. at the Orange Avenue site. He added that a new stadium is a good idea in the location of Victory Stadium.

Mr. Michael Flanery, 2211 Wycliffe Avenue, S. W., advised that he is a homeowner in the City Roanoke and a business owner in the Roanoke Valley. He stated that he envisions a first class facility that will be representative of the quality of Roanoke and the quality of life that exists in the Roanoke Valley. He advised that the worst decision that one can make, other than a bad decision, is no decision at all; and Victory Stadium is a monument in history for Roanoke and it cannot stand with a "band-aid treatment," as evidenced in the past. He commented that Victory Stadium needs an all out 100 per cent effort by the City, and, if that is not to occur,

the City of Roanoke should pursue another course of action, because nothing would be a worse monument to the City and to the honor of World War II veterans than a crumbling stadium in another part of town. He encouraged Council to hold a public referendum to allow the citizens of Roanoke to vote on the issue and to enable citizens to come together and to support whatever decision is made by the voters and by the City Council.

Ms. Angela Norman, 1731 Michael Street, N. W., requested that Council reconsider its decision to construct a new stadium/amphitheater on Orange Avenue. She stated that although she is a strong advocate for economic development and for progress, she is equally concerned about the budget for the proposed new stadium/amphitheater project, the location, and parking issues. She addressed unexpected expenditures, the time factor, and other variables that would impact the construction of a new stadium. She advised that currently Route 460E is a highly traveled and often times congested area, especially at the proposed location, and expressed concern with regard to vehicle safety issues and pedestrian traffic; parking at the Roanoke Civic Center has been an ongoing problem, especially during major events, with the use of shuttles providing little relief, therefore, parking issues will be compounded with construction of the proposed new facility. She stated that the citizens of Roanoke should have a stronger and more decisive voice in the final outcome of a new stadium project; Victory Stadium is a historical landmark; and she strongly supports the renovation of Victory Stadium based on facts presented by Brian Wishneff, an economic development specialist, and others who have addressed the issue.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that if Victory Stadium is in disrepair, the City of Roanoke is to blame because it has neglected Victory Stadium for over 30 years. He called attention to events that are held at Victory Stadium such as the Cancer Walk, Festival in the Park, and the track is used for walking and jogging. He stated that if Victory Stadium had been properly maintained, the City of Roanoke could have hosted the Franklin Graham Crusade instead of the City of Salem, which would have brought more money into the City's coffers.

Mr. Robert Gravely, 3360 Hershberger Road, N. W., advised that citizens of Roanoke should have the opportunity to express their opinion in the form of a public referendum on the future of Victory Stadium; and with proper marketing, Victory Stadium could be a money making venture for the City. He spoke against the Orange Avenue site for the proposed new stadium/amphitheater because of the

existing traffic situation, and advised that if the Roanoke Civic Center is properly marketed, there will be a need to construct a larger civic center, which should be explored instead of constructing a new stadium/amphitheater. He stated that more development should be scattered throughout the City of Roanoke, as opposed to being concentrated in the downtown area.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., demanded that Council provide for an official and binding referendum on the future of Victory Stadium, or a new stadium/amphitheater. In doing so, she also demanded that historic Victory Stadium be renovated if, upon review and an impartial decision based upon data, it is decided through a referendum by citizens of the Roanoke Valley, that a new stadium should be built, and citizens demand that the facility be constructed in a location where the quality of life of nearby residents will not be deteriorated, and where increased traffic will not have an impact on nearby neighborhoods if an amphitheater is to be built. She added that citizens demand that the facility be built in a quiet, serene place where entertainment, music and the arts will not be drowned out by the constant hum of traffic on nearby roadways, or noise from accidents and sirens. She advised that citizens demand a referendum instead of the stall and stop public forum which is scheduled for Thursday, July 31.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that Council Members were elected by the citizens of the City of Roanoke to take actions, to serve in the best interest of the citizens of Roanoke, and to represent true democracy. He stated that the petitions that were filed with the Mayor and signed by over 5,000 citizens represent true democracy as to the wishes of the citizens of Roanoke regarding the fate of Victory Stadium.

Mr. Don Divers, 6112 Buckland Mill Road, N. W., raised questions with regard to the proposed new stadium/amphitheater and Victory Stadium cost comparisons; and spoke in support of placing the matter on a public referendum for a vote by the citizens of Roanoke. He asked that Council not make rash decisions regarding the Orange Avenue site which is not a good location for a new facility.

Alison Blanton, 1701 Arlington Road, S. W., appeared before Council as President of the Roanoke Valley Preservation Foundation, which was founded in 1988 as a non-profit valley wide organization to promote the preservation of historic, cultural, and natural resources in the Roanoke Valley. She called attention to The Hotel Roanoke, the N & W Passenger Station, the Grandin Theater, and other structures that were either vacant, abandoned, near demolition, or in decline, many

of which were included on the Historic Preservation's endangered sites list, and noted that both Victory Stadium and the riverfront access along the Roanoke River are included on the endangered sites list. She asked that the City of Roanoke work with the Preservation Foundation as partners to ensure that all parties are good stewards of Roanoke's historic resources; debate has taken place as to whether Victory Stadium is a historic landmark; and recently the Virginia Department of Historic Resources rendered an opinion that Victory Stadium is potentially eligible for the National Register of Historic Places, however, the permission of the City of Roanoke is required before the determination can be made. She stated that citizens lament the fact that historic buildings such as the Academy of Music, the American Theater and others were demolished, and if given the opportunity to go back in time and rethink the decision, they would handle the issue quite differently today; therefore, she advised that Council is requested to do the right thing by Victory Stadium. She called attention to a policy in the City's Comprehensive Plan to identify and to preserve historic landmarks in the City; and the Roanoke Valley Preservation Foundation encourages the City of Roanoke to do so and offers its assistance. She stated that the Board of Directors does not oppose the new stadium/amphitheater project, but wishes to protect cultural, historic and natural resources; therefore, Council is encouraged to investigate the significance of historic landmark status for Victory Stadium and look at ways to renovate the facility.

Mr. Bill Tanger, 257 Dancing Tree Lane, Botetourt County, spoke as a member of the City's Flood Plain Committee, and as Chair of the Friends of the Roanoke River. As a person who has been involved with flood issues for approximately 30 years, specifically the Roanoke River, he stated that the Victory Stadium issue has prompted further debate that has been long over due and more facts, discussion and evaluation of alternatives are needed. On the issue of flooding at Victory Stadium, which has never been fully researched or considered, he advised that it is known that historically the stadium was flooded five times in its 61 year history; and had the new flood reduction project been in place, Victory Stadium would have flooded only once in 1985, which is classified as a 100 year flood. He noted that a Council Member recently stated that he could not see "spending millions of public dollars on a stadium in the flood way because sooner or later it would flood again"; however, using that logic, Mr. Tanger stated that the Sewage Treatment Plant should be relocated as well, since sooner or later the facility will flood again; and more reasonable is the decision to flood proof the Sewage Treatment Plant. To further illustrate the point, he stated that if the City were to stop spending public dollars on projects in the flood plain, it would be necessary to abandon the following City projects: the City Market Building, the City Market, the Virginia Museum of Transportation, Center in the Square, the Art Museum, and the Roanoke bus station, etc., which does not include all private enterprise in the flood way amounting to hundreds of businesses. He added that another prime example is Carilion Roanoke Memorial Hospital which did not move out of the flood way, but instead flood proofed the facility, allowing the hospital to continue expansion of its facilities. He stated that the rationale to construct a new stadium/amphitheater because Victory Stadium might flood once in every 100 years is not a good enough reason.

There being no further business to come before the Council, at 8:45 p.m., the Mayor declared the meeting in recess to be reconvened on Thursday, July 31, 2003, at 7:00 p.m., in the Auditorium of the Roanoke Civic Center, for a public forum on the proposed stadium/amphitheater project to be located on Orange Avenue.

The regular meeting of Roanoke City Council which was recessed on Monday, July 21, 2003, until Thursday July 31, 2003, at 7:00 p.m., in the Auditorium of the Roanoke Civic Center, 710 Williamson Road, N. W., was called to order, with Mayor Ralph K. Smith, presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick, Jr.-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The Mayor advised that the purpose of the meeting is to conduct a public forum on the proposed stadium/amphitheater project on Orange Avenue, N. W. He stated that the rules of Council will govern the proceedings; since all Members of Council have expressed opinions on the issue, an independent moderator will facilitate the meeting, while Council retains the right to interject with comments or questions, the rule of Council is that the session will be primarily to listen; and all questions are to be directed by the moderator to the presenters.

The Mayor introduced Frosty Landon, Moderator, retired editor of The Roanoke Times and founder and Executive Director of the Virginia Coalition for Open Government.

Mr. Landon explained that the agenda was structured as follows:

Presentation on the new stadium/ 7:00 - 7:30 p.m. amphitheater Responses to questions by City staff and 7:30 - 8:00 p.m.

experts

8:00 p.m. - until Citizen comments and questions

Mr. Landon advised that citizens may participate in the meeting in the following ways:

- (1) Persons may write their questions on a card The supplied by City staff to be turned in by the end of the first presentation.
- (2) Persons may sign up in the Lobby prior to 8:30 p.m., in order to make comments at a later time during the meeting.

He introduced the following members of the panel:

Fred Krenson, Rosser International

Ken MacDonald, Red Light Management

Charlie Anderson, Architect, City of Roanoke

Jesse A. Hall, Director of Finance, City of Roanoke

Paul Anderson, Transportation Consultant, Hayes, Seay, Mattern and Mattern

He also introduced John Carlin, Anchor, WSLS Television, Channel 10, who will assist in sorting through questions to be addressed during the question and answer portion of the meeting, and advised that questions will be sorted by priority and category to avoid duplication.

As background, Mr. Landon advised that Victory Stadium was constructed in 1942 and for more than a half century, the facility served the City well; in 1995 Council began a study of potential improvements; the Parks and Recreation Department prepared internal planning studies over the next two to three years; in 2000, an economic feasibility study was prepared by C. H. Johnson which recommended that the City build a new facility rather than renovate Victory Stadium; in August, 2000, the firm of Rosser International reviewed several renovation options at the current site; in 2001 Council considered the options and voted to seek other sites that would be suitable for a new stadium; and in 2001 Council voted to build a new stadium at the Williamson Road and Orange Avenue site. He stated that there have been previous opportunities for public input, although some persons believe that sufficient opportunities have not been provided; the users of an amphitheatertype structure and stadium were asked last year to provide their views as to what the City needs, what is feasible, how their needs, festivals, etc., could best be met; and City Council and City Planning Commission rezoning hearings were held; therefore, there has been some input. He advised that the community is sharply divided on the issue; therefore, Council would like to hear further input.

Fred Krenson, Vice-President, Rosser International, an architectural, engineering and planning firm, that specializes in design of mass seating and public performance venues, stadiums, arenas, amphitheaters, was the first presenter. He showed slides of facilities that Rosser International has designed throughout the United States, ranging from a 2000 seat stadium to an 81,000 seat olympic stadium and various size stadiums in between.

(For full text of Mr. Krenson's presentation, see transcript on file in the City Clerk's Office.)

The second presenter was Ken MacDonald, representing Red Light Management.

(For full text of Mr. MacDonald's presentation, see transcript on file in the City Clerk's Office.)

At this point, Mr. Landon introduced the question and answer portion of the meeting.

QUESTION: In regard to the deed of gift by which the City acquired the land on which Victory Stadium was constructed, which was based on the condition that the stadium would be constructed within three years and thereafter maintained by the City, the City argues that such a condition which took place in 1941 was too long ago. Therefore, why did the City obtain a release of the condition from Norfolk Southern releasing four feet of the 30 acres for the widening of Jefferson Street, but expressly reimposing the original condition and covenant? Were all Members of the Council aware of the covenant regarding the original stadium when Council voted for a new stadium? If so, how did Council justify violating the covenant?

ANSWER: William M. Hackworth, City Attorney, advised that the covenants generally require that the property be used for certain purposes, including recreational uses. Council has not made a decision on the use of Victory Stadium or removal of the stadium; therefore, other recreational uses for the site have not been discussed. The City Manager has been in contact with Norfolk Southern officials who have assured the City that they will release the covenants, but they would like to know what the eventual use of the property will be before they agree to release the covenants, which is not viewed as an impediment to future plans to develop the property.

QUESTION: What happened to the proposal for an all weather track in the new stadium project?

ANSWER: Fred Krenson advised that the proposal for an all weather track at the existing stadium site was feasible from a dimensional standpoint when raising the field was considered; however, a problem was encountered when the water retention berm proposed by the U. S. Corp of Engineers was placed on the north side of the Roanoke River, thus, the track would not physically fit on the existing stadium site. In regard to the new stadium site, the track would move the stands farther away from the football field and farther away from the potential for side staging; therefore, the decision was made to provide for tracks at the school sites at a considerably lower budget and to maximize the football game impact, as well as the amphitheater function from the stadium.

QUESTION: Why not construct a flood wall around the stadium with flood gates and sump pumps which would eliminate the issue of flooding?

ANSWER: Fred Krenson responded that the flood wall was one of the proposals in 1996 which basically requires a massive flood wall that would include the stadium and the armory. It was determined to be more expensive than the \$14 million option and was not the selected option in 1996.

QUESTION: Why hasn't relocating the armory, tearing down the building and using that area for a permanent covered stage been considered, and using the field with either folding chairs or benches that could be set up by City staff, or patrons could bring their own blankets and chairs?

ANSWER: Fred Krenson advised that tearing down the armory was considered as long as it was rebuilt at another location which would cost approximately \$10 million. If a stage is placed on that end of the stadium, it would be facing south which would reduce light and light control opportunities, and it is not a desirable direction for the stage to face in order to have less of a light impact on a performer in the late evening hours.

QUESTION: How much would it cost to tear down Victory Stadium and why is the figure not included as a cost in the Orange Avenue site?

ANSWER: Fred Krenson responded that no decision has been made to demolish Victory Stadium; however, the cost was analyzed in several other studies in the range of \$500,000.00.

QUESTION: The Virginia Department of Transportation recently said, after looking at the Williamson Road and Orange Avenue traffic problems, that no action could be taken to correct the problems because the cost would far outweigh the benefits. Why has this not been acknowledged?

ANSWER: Paul Anderson advised that the traffic management plan acknowledged that there will not be major improvements at either the I-581/Orange Avenue interchange, or along Williamson Road; the facility will be typical of most other entertainment facilities, with very little traffic most of the time; however, during events, there will be significant traffic, but the good thing is that events will be held at typically off peak hours. Williamson Road, being a busy roadway with four lanes and Orange Avenue being six lanes wide, has a lot of traffic during regular peak hours, but there is considerable available capacity during off peak traffic hours, and since events usually occur during off peak hours, the facility would take advantage of existing capacity, which is what the traffic management plan is built around.

QUESTION: When two events occur at the Civic Center, in the auditorium and the coliseum, how can a third event be held simultaneously across the street and still address all parking needs?

ANSWER: Paul Anderson advised such a scenario would add to the challenge. The same people will control the booking of the sites, it is a rare occurrence when two major events are booked at the same time, although it does happen; and the key will be in scheduling events and trying to provide some offset between start times of the events. When events are sold out, shuttles will be provided which is a concept that was tested at the Civic Center on shows in August and September, 2002. Free parking is available in the downtown parking garages, variable message signs along the interstate and along major arterials will advise patrons of parking conditions so they will know if the parking lots are full and where they can take advantage of free parking and shuttles to transport them to and from the site.

QUESTION: Why has no detailed budget been provided for all expenses relative to traffic control, or made available on line and in a prominent location?

ANSWER: Paul Anderson advised that budgets were produced for both the cost of operating the various events, including costs for shuttles, staff including police officers, bus drivers, and parking attendants at the various lots, upgrades to existing streets around the site, and a coordinated signal system and video surveillance equipment to help monitor the traffic situation. Charlie Anderson advised that a traffic plan has been implemented and tested, and the plan works; and the operational side of the traffic plan requires more police officers and variable messaging sign boards on the interstate and on other major arterials that connect the facility. Budget information is in the traffic plan for the various scenarios, the traffic study team looked at a number of different scenarios involving the individual facilities, including multiple events at both facilities and associated operational costs, and information is available in the City Engineer's Office.

QUESTION: Why would Roanoke be competitive for amphitheater events given Roanoke's population size compared to that of other amphitheaters?

ANSWER: Ken MacDonald advised that there was some skepticism with entertainment venues like Cher, Elton John and Lord of the Dance which were sell out shows. The Roanoke market has performed well and performed better than other markets of the same size. Promoters may not be able to run as many events through a market the size of Roanoke as some of the bigger markets, but if there are a reasonable number of events of a diverse nature and spaced chronologically apart,

Roanoke is a good performing market. The outdoor concert experience in some instances exceeds the indoor arena experience and if patrons want to see a show and if they experience a nice evening, outdoor events have proven to be successful.

QUESTION: Your past experience does not show any location that has a multiple use concept, such as Roanoke is proposing. If this design is state of the art, cite examples of other projects with both a stadium and an amphitheater.

ANSWER: Ken MacDonald advised that he has promoted shows in various stadiums; however, the difference is, Roanoke had the forethought to build the infrastructure for a concert in advance of the event. Quite often, football stadiums are built for football teams or by athletic directors for a single purpose, and other amenities are built afterwards. The advantage in Roanoke is that the need for shows has been anticipated and promoters will be able to produce shows at a lesser cost than going into a stadium that does not have any of the necessary amenities, which will make the facility more attractive and provide an opportunity for shows with attendance in the range of 10,000 - 12,000 persons. In most cases, when talking about a stadium event, promoters would need more than 10,000 - 12,000 people to make the economics of the event work.

QUESTION: If an amphitheater were built at Victory Stadium in the end zone of the current stadium, with modernization to the current facility, would it provide a good venue with openness, a good view and the lack of I-581 traffic, etc.

ANSWER: Mr. MacDonald advised that a show can conceivably be conducted at any location; but the key is holding an event at a location where people will want to come. The Victory Stadium location may not be any more attractive than the Orange Avenue site and unless there are real assurances that patrons will not get wet during rainfall and that the show will go on, he would not promote a show at Victory Stadium. When the Dave Matthews concert was booked, it was a known quantity that the concert might be flooded out; however, other acts would not have agreed to such a stipulation in which case the promoter would have to guarantee payment even in the event of rain.

Mr. Krenson responded that one of the positive features of the stadium/amphitheater proposal is joint use of dressing rooms, concessions and restrooms that would be used not only for entertainment, but for sporting events as well. In thinking about the value of the dollar, it is important to be wise stewards of finances, so the combination facility makes a lot of sense. If a new amphitheater is

constructed along with upgrades to Victory Stadium, it will be necessary to spend more money to replicate restrooms, concessions, etc., that will be used very few times during the year.

QUESTION: Why is this project being funded with general obligation bonds and not revenue bonds?

ANSWER: Jesse A. Hall, Director of Finance, advised that it is less expensive to issue general obligation bonds than revenue bonds, because revenue bonds typically have a stream of revenue tied to them. Approximately five to six years ago, when the City was planning a stadium solution, the City began to set funds aside from its operating revenues each year in anticipation of either building a new stadium or renovating Victory Stadium; therefore, the City set aside an additional amount of funding until it reached an amount that the City could issue general obligation bonds without going the revenue bond route.

QUESTION: Does the \$18 million figure include the cost of the pedestrian bridge across Orange Avenue?

ANSWER: Mr. Krenson responded in the affirmative.

QUESTION: There are a number of questions about the intended use of the Victory Stadium site. When you (Mr. Krenson) heard from the City Council, user groups, etc., as to why the Victory Stadium site was not appropriate for stadium and amphitheater purposes, but might be more appropriate for other uses, flooding notwithstanding, what is the real agenda for the site? What did you hear on these issues when you were hired by the City? What does the City want to do with the land where Victory Stadium now stands and why is the City trying to get rid of the stadium from that location?

ANSWER: Mr. Krenson advised that his charge was to provide options for the Council to consider; options ranged from six to eight different ways to renovate the facility and recover all or a part of that, ways to keep the facility from flooding, ways to allow the facility to continue to flood, but on a reduced quality level, what would happen if the facility is torn down and a new facility is constructed, or construct recreational space on the site. There was no agenda on how to use the site.

QUESTION: Did the City pay \$200,000.00 for land that was assessed at \$37,000.00? Are the correct dollar figures being reported to citizens and to Council on the value of the land?

ANSWER: Mr. Hall advised that the City engages in what is referred to as market appraisal which means that it assesses all of the properties in the City, including private residences, reviews relative sale prices in the area, and the condition of properties, etc. He stated that he was not involved in the transaction; however, if one owns property in an area that is going to be developed, the property logically becomes more valuable if the property is needed for development of a project. He further stated that he was not aware of the details of the relativity between the assessed value of the property via the City's appraisal process each year, as opposed to what the real value of the property is when it is needed for the project site.

QUESTION: Why does the City claim that traffic problems are greater at the Victory Stadium site when the intersection of Jefferson Street and Reserve Avenue is rated on the traffic scale as a "B" and Orange Avenue and Williamson Road is rated as an "E"?

ANSWER: Paul Anderson spoke to the proposed new site inasmuch as traffic at the existing stadium site has not been analyzed. The level of service "E" at the Williamson Road and Orange Avenue intersection is based on peak hour traffic volumes which occur between 4:30 p.m. and 5:30 p.m., 90 minutes ahead of when the peak real traffic for shows would occur; traffic drops off fairly significantly between 5:30 and 6:30 p.m. and again from 6:30 to 7:30 p.m.; therefore, the rating of "E" represents the volume that exists in the peak traffic hours. No analysis has been done on what the traffic volume would be in the off period; however, City staff is looking at placing police traffic control at the intersection to handle unique traffic flows that will come before and after an event. For the existing stadium, there would need to be a type of traffic management plan.

QUESTION: Were any sites outside Roanoke City limits considered? What would be the cost of constructing a stadium to accommodate high school football games and a large amphitheater in the area with ample parking for large performances in an area outside of the corporate limits of the City?

ANSWER: Mr. Krenson advised that no sites outside of the City were considered; costs would be considerably higher, mostly because of property requirements for a parking lot to accommodate at least 3000 cars if the facility were moved to a remote location. No parking inventory currently exists that would be useable land and if there were an occasional very large event, parking numbers would grow in excess of 5000 - 6000 spaces. It is not inconceivable, but significant issues would have to be considered relative to any remote site.

QUESTION: Has any thought been given to the fact that an 18,000 seat amphitheater will not hold the 22,000 persons who attended the 4<sup>th</sup> of July Music For Americans celebration at Victory Stadium?

ANSWER: Charlie Anderson advised that City staff on duty at the 2003 4<sup>th</sup> of July celebration counted between 15,000 - 16,000 persons, as opposed to the reported 22,000.

QUESTION: How much will it cost to tear down the existing stadium and who will pay for it?

ANSWER: Mr. Hall advised that the cost of tearing down the stadium would be borne by the City; however, no decision was made on the fate of Victory Stadium at the time that Council voted to build a new stadium/amphitheater.

QUESTION: Why did the City allow Victory Stadium to get in such a poor state of repair?

ANSWER: Mr. Landon referred to former City Managers and former City Council Members and advised that there could not be elaboration on the question by non policy makers.

QUESTION: How many times has Victory Stadium flooded in the past 50 years?

ANSWER: Charlie Anderson advised that the stadium flooded in 1972, 1978, 1985, 1992 and 2003.

QUESTION: The 100 year flood occurred in 1985. It has been said that proponents of saving Victory Stadium at its present site believe that with a berm and with the planned flood control project, only the 100 year flood would have hit Victory Stadium.

ANSWER: Charlie Anderson advised that the statement is not totally correct, the flood wall is designed to take a 25 - 30 year duration flood, and some of the floods would have passed the flood wall or the berm.

QUESTION: If seating capacity is reduced by going away from the large stadium, will the cost of tickets be increased to produce the same guaranteed revenues?

ANSWER: Ken MacDonald advised that the proposed new stadium is proposed to be designed to accommodate a variety of seating configurations. If a performer/act states that a certain amount of dollars is needed to entertain at a City facility, the promoter will make an educated guess on how many tickets will be sold; the promoter considers the cost of the act, plus the cost of producing the show, and divides that by the number of tickets that are believed will be sold, which is how the ticket price is determined. Every show is different, every artist's guarantee is different, and every cost of producing a show is different.

QUESTION: Has a projection been prepared on revenues and economic impact from the proposed facility on Orange Avenue? If there is an event with tickets selling at \$50.00 each and approximately 20,000 patrons, how much will be spent in the City beyond the ticket price?

ANSWER: Mr. MacDonald advised that it is a plus to have a stadium near other businesses, and if the stadium or amphitheater is isolated, no economic benefits will be achieved by adjacent businesses. Estimates are that a promoter can use as high as six times a ticket price to one time a ticket price, depending on the nature of the audience.

Mr. Landon read the following questions with regard to topics that are issues for the City administration and/or the City Council to address:

Did City Council or the City Manager recently talk with Carilion about the use of the stadium site for the bio medical facility?

What is the intended use of the site now occupied by Victory Stadium?

Has a regional facility been considered with Roanoke County and the City of Salem?

No one has shown a picture of the current Orange Avenue site and the view looking at the stadium, and perhaps that is because the site looks to I-581. Would you welcome the news media to the site to show the view?

A comment was made to the School Board by the City Manager that some high school traditions would have to be changed. What are those traditions?

Mr. Landon concluded the question and answer portion of the meeting and advised that the meeting would proceed to the public comment period. He asked that speakers limit their remarks to up to three minutes each.

W. Alvin Hudson, 1956 Hope Road, S. W., advised that he was a Member of City Council when the vote was taken on the Orange Avenue location; he did not have the opportunity to vote on the issue inasmuch as he was absent on the day that the vote was taken, but prior to the meeting, Council voted 7-0 to retain the Victory Stadium site; however, a Member of Council asked for the courtesy of looking at other locations, and at no time was he notified that the issue was to be brought up again. He stated that the matter was handled poorly by the City administration; and citizens should have been involved in the decision; comments continue to be made about the condition of Victory Stadium; however, Council should take into consideration the previous condition of The Hotel Roanoke, and Jefferson High School, and the old post office building, all of which the City and others took the time and the opportunity to renovate into the first class structures that they are today. He advised that Victory Stadium is a part of Roanoke's history and should be preserved; and Council should reconsider its decision and allow the citizens of Roanoke the opportunity to vote on the fate of Victory Stadium.

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, advised that the citizens of Roanoke have the right to vote on the future of Victory Stadium; the majority of persons in attendance favor renovating Victory Stadium; and referred to an agreement with Norfolk and Western Railway which states that the City of Roanoke will maintain the facility. He took issue with a recent newspaper article in which a Member of Council stated that Victory Stadium is crumbling; however, he conceded that the stadium is in need of repairs.

Ms. Kathryn Marlow, 405 Washington Avenue, S. W., spoke as a citizen having no nostalgia for Victory Stadium, but as a citizen looking at where the City is going and how it needs to get there. She advised that identifying progress as bigger, better, and faster is not what Roanoke should be about, because that is not the way to keep young people in the area and Roanoke should embrace what it has and pay attention to the wishes of the citizens who reside in the City. She stated that if Council has not decided what is to become of Victory Stadium, it would appear that no accurate cost is available for what is to be done at the Orange Avenue site, because either Victory Stadium will be demolished, or renovated, or the facility will be left to crumble as an eyesore, which is not a valid option. Second, she inquired as to how many houses and how many people will be displaced if the stadium is

moved to Orange Avenue, and why is the City not concerned about taking people's homes. She stated that renovating Victory Stadium will not displace people from their homes and should be taken into consideration by the City.

It was noted by a member of the City staff that no homes will be acquired as a result of the Williamson Road/Orange Avenue location for the proposed stadium/amphitheater.

Brian J. Wishneff, 1010 First Union Building, 213 South Jefferson Street, expressed amazement at some of the answers to the earlier questions by the panel. He asked if the consultants know that the City plans to purchase 22 acres of surface land across the street on Reserve Avenue that would be available for surface parking; do the consultants know that Carilion is constructing an 1100 car garage next to Victory Stadium; and do the consultants know that there are 4000 - 5000 potential parking spaces within walking distance, yet the consultants said in their report that there is not enough on site parking. Secondly, with regard to the close proximity to Carilion Roanoke Memorial, he added that a hospital spokesperson has stated that in the history of the hospital, there has never been one complaint about Victory Stadium. Thirdly, he advised that the consultants continue to state that the flood plain project will be completed 25 years from now, when, in truth, the project will start in the spring of 2004. With regard to flooding conditions, he stated that no floods, other than the 1985 flood, occurred more than once in 100 years, and not once every eight years as reported by the consultants.

Mr. Bill Tanger, 129 Thurston Avenue, N. E., advised that the process has failed and should have included public notice of the different issues and alternatives when alternatives were first proposed and voted on arbitrarily without any kind of public input or comment. He stated that his involvement does not stem from any emotional attachment to Victory Stadium, but because of what might happen to the Williamson Road area. He added that he appeared before Council and submitted numerous recommendations that would alleviate traffic problems; and the question about the pedestrian bridge is not whether the bridge goes over Orange Avenue, the question is whether it goes over Carver Avenue. Since the pedestrian bridge does go over Orange Avenue and drops down hill, he asked that persons in the audience visualize that they are in a wheelchair, on a long sloping ramp, when they get to the end of the ramp, they are at Carver Avenue traffic, they cross Carver Avenue traffic, and then wheel up 30 feet to get back to where they were on the other side of Orange Avenue, all of which does not make good sense. He advised that he suggested taking out the bottleneck at Plantation Road, but the City stated that

funds were not available; however, if the project is to be done, it should be done right. He stated that no studies have been conducted on the noise impact to the stadium, or to the residential area from the stadium/amphitheater, and no study has been done regarding the light impact; therefore, there are many unanswered questions. He spoke to the need to form a bipartisan commission, or group of objective persons, to compile facts, to prepare a comparative analysis, and to present the information at a referendum where citizens can vote on the issue.

Mr. Delvis O. "Mac"McCadden, 2102 Carroll Avenue, N. W., advised that some things might be legal, but that does not mean that they are right; and Council's 6 - 0 vote on the stadium/amphitheater issue might have been legal, but it was not right because citizens were not given the opportunity to voice their opinion; and when citizens looked at the proposed plans at the civic center, they were not aware that a vote was to be taken by the Council that same evening. He commended Council on its decision to do something, but expressed disappointment in how it was done. He called attention to a proposal that may be presented to Council in the near future to construct another facility on the Victory Stadium site using the same bricks that were used to construct Victory Stadium.

Ms. Melanie Steel, 1130 Howbert Avenue, S. W., a boxing promoter formerly associated with Victory Gym, a youth boxing program housed beneath Victory Stadium where thousands of dollars of equipment is setting dormant, including a full size boxing ring, advised that Victory Gym is not included in renovation photographs of Victory Stadium's current condition. She called attention to the potential for various uses of Victory Stadium, such as Victory Gym, concerts like Dave Matthews, and 4<sup>th</sup> of July celebrations, etc., that are not being taken into consideration. She stated that Victory Stadium deserves a second chance and just because something is "a little banged up" does not mean that it should be abandoned.

Mr. Ken Parry, 2601 Baird Street, S. W., advised that it is hoped that the issue will generate enough interest in the City of Roanoke by the citizens of Roanoke, homeowners and taxpayers, to demand that Council allow the matter to be brought to a democratic closure through a public referendum. He stated that the purpose of Council is to work in the best interest of the citizens that they were elected to represent and not spend taxpayers dollars on a mini-sized facility in the Williamson Road area. He advised that the City of Roanoke already has a stadium that can be renovated for \$9 - 10 million, thus saving taxpayers' dollars.

Mr. Steve Colston, 1817 Northwoods Lane, Salem, Virginia, advised that there is a problem with both the current Victory Stadium and with the proposed new facility on Orange Avenue; however, if everything is even, why not allow sentimentalities to carry the day and retain a legacy, instead of building a new stadium/amphitheater and destroying Roanoke's past. He encouraged the City to maintain the legacy of Victory Stadium.

Mr. Robert Lynch, 2810 Floraland Drive, N. W., advised that he normally depends on those politicians that he voted for to speak for him, but in this case, his elected leaders have let him down by not allowing adequate citizen input into the original decision to build a new stadium. He stated that his first concern relates to the method used to reach a decision on the new stadium/amphitheater, and input by taxpayers and voters should have been the first consideration. He asked the following questions: Can Council honestly say that the voice of the citizens was heard in regard to the original decision to construct a new stadium? Can Council deny that the wants and needs of the Carilion conglomerate have not had any influence on the decision to build a new stadium and to demolish the current stadium? Do current and past City Council Members hold any responsibility for the current condition of Victory Stadium? At what point do the needs of government by big business, for big business, override the needs of taxpayers and the voting citizens of Roanoke. He stated that the people who favor the new stadium are those who stand to make a profit on the project, such as consultants, contractors, the Carilion corporation and others who will be involved in the construction process. He noted that it is time to let the people who will be paying the bill for the project have the opportunity to vote on how their tax dollars will be spent. He asked the following series of questions: Has anyone given serious thought to moving the Carilion project to the land that is proposed to be used for the new stadium/amphitheater, or is the City so afraid that it will offend the powers that be in the Carilion conglomerate, that they may abandon the bio-medical project, or move the project to another City? How many long term jobs will be provided by the Carilion project and how much will it cost the citizens of Roanoke to build the infrastructure needed to support the project? Will long term benefits be worth initial costs? Can anyone guarantee that a new stadium will be promoted aggressively enough to pay its own way? How can any facility generate enough revenue to support itself when it is not used on a regular basis? He asked that Council Members cause the issue to be placed on a referendum to be voted on by the citizens of Roanoke, whether it be a new stadium or a renovated Victory Stadium.

Mr. John R. Graybill, 2443 Tillett Road, S. W., spoke in support of renovating

Victory Stadium. He commended those persons in attendance, and asked that no vote be taken by the Council this evening since two members of the Council were absent and the citizens of Roanoke want to know their position regarding the fate of Victory Stadium. He stated that the flooding of Victory Stadium is not an issue because past costs have been addressed within the City's annual budget; and if Victory Stadium is properly marketed promoters will use the facility.

Dr. John Bohon, 5012 Cave Spring Circle, S. W., advised that Victory Stadium is the first World War II memorial in America. He stated that Victory Stadium is located in a beautiful place by the Roanoke River, with Mill Mountain overlooking the area; he worked in the vicinity of Victory Stadium for over 40 years and there were no complaints by the hospital regarding noise, other than the stock car races that were held for a short time. He advised that for some people, Victory Stadium is hallowed ground and encouraged Council to vote in favor of renovating the stadium for future generations of Roanokers.

Ms. Jessica Howe, 202 Madison Avenue, N. W., advised that memories live in one's heart, and one does not have to see a structure every day to remember it. She stated that a memorial to World War II veterans could be erected at the new stadium/amphitheater and a new stadium/amphitheater will make Roanoke a better place to live.

Ms. Shakira Moyer, 3738 Signal Hill Avenue, N. W., an upcoming junior at William Fleming High School, advised that Victory Stadium is crumbling; therefore, she spoke in support of a new stadium/amphitheater. She stated that to grow as a City means to advance in other areas; and a memorial could be constructed at the new stadium/amphitheater to honor World War II veterans. She added that the young people of Roanoke should be included in any type of vote and should be allowed to enjoy better facilities than the current Victory Stadium has to offer.

Mr. Darrell R. Boles, 1623 Shamrock Street, N. W., advised that the deteriorating condition of Victory Stadium occurred because the City failed to make the necessary repairs to the facility; and citizens of Roanoke should be allowed to have input into how their tax dollars are spent. He referred to stipulations of the agreement with Norfolk and Western Railway with regard to the use of Victory Stadium, and inquired if the land will revert back to Norfolk Southern if Victory Stadium is demolished. He inquired as to how the proposed amphitheater on Orange Avenue will compare, seating-wise, with other amphitheaters.

Ms. Patricia Rodriguez, 120 Twenty-third Street, S. E., called attention to conversations with Council Members regarding Victory Stadium, in which one Member of Council stated that he believed it is progressive to build a new stadium and it is important that Roanoke be seen by others as a progressive city, to which statement she strongly disagreed. In this day and age, she stated that being progressive means celebrating and renovating unique pieces of architecture; by renovating the past, the future is honored; people of all walks of life and every age group appreciate Victory Stadium because of events that have been held in the past; and if another stadium is constructed, Victory Stadium will eventually be torn down. She advised that Victory Stadium elicits a wonderful feeling, it is enabling to be seated in the stands, the size of the stadium is one of its many virtues, it is located on a beautiful site, and it is unique to have the backdrop of a mountain and a beautiful river running along side the stadium. She stated that she represents hundreds of persons who want to see Victory Stadium renovated, and asked that the citizens of Roanoke be allowed to vote on the fate of Victory Stadium through a public referendum.

Mr. Richard Rife, 1416 Sherwood Avenue, S. W., spoke in support of the proposed new stadium/amphitheater, because it is time to stop looking 50 years in the past and instead look 50 years into the future. He stated that Victory Stadium has served the community honorably and well, but its time has passed; as an architect and a preservationist, he stated that he supports the renovation of old structures, but he also knows that certain structures do not lend themselves to renovation and reuse; and his architectural firm designed the Jefferson Center, the Grandin Theater, and Breckinridge, Woodrow Wilson and Addison Middle Schools, but the design of these landmark buildings allowed them to be renovated into modern facilities that meet current and future needs. He stated that Victory Stadium cannot be cost effectively renovated to meet the needs of a modern sports entertainment venue; and the proposed new stadium/amphitheater facility represents a very innovative design that in years to come will be widely copied throughout the country. He agreed with previous speakers that the decision making process leading up to this evening's meeting leaves much to be desired, but Council's decision to construct a new stadium/amphitheater is the correct decision and he hopes Council will stand by its previous vote on the issue. He also agreed with previous speakers that it is nice to reminisce about past glories, but it is time to build a new venue in which to create new glories - it is time to build a new Victory Stadium.

Ms. Sarah Brooks, 2912 Avenham Avenue, S. W., spoke to the location of the proposed new stadium/amphitheater from the viewpoint of anyone who has tried to attend an event at the Roanoke Civic Center when more than one activity is being held concurrently; from the standpoint of one who has waited in traffic for up to 45 minutes only to be directed to an off-site venue to park, bused to the Civic Center and then back to the parking facility, following the event. She stated that to add a stadium/amphitheater to existing Civic Center parking problems will only compound the issue. Having been involved with Festival in the Park for a number of years, she stated that Roanoke does not have a good climate for outdoor events; those persons attending a football game will attend because they want to watch football and will sit in the rain regardless of weather conditions, but people will not pay money to sit in the rain to listen to a concert, even with a canopy over the facility. She advised that Victory Stadium provides a site that has reasonable access from I-581 and Route 419 and downtown Roanoke, there is a lot of history at the Victory Stadium site, and the site itself is far more practical, whether the current Victory Stadium is demolished and another facility is constructed, than constructing a stadium/amphitheater in an already congested area of the City.

Mr. Tom Link, 2201 Carolina Avenue, S. W., advised that the process that led to the public forum needs to be readdressed and both sides of the question should be taken into consideration; because the process of looking at only the Orange Avenue site does not provide citizens with all of the opportunities to express their opinion on both the Orange Avenue site and renovation of Victory Stadium. He stated that the City does not have to tear up the history of Victory Stadium to move to the future; for example: the rotunda at the University of Virginia which is under going renovations, Scott Stadium in Charlottesville started small and is now one of the largest stadiums in the Commonwealth of Virginia, and Roanoke can renovate Victory Stadium which is the biggest city-owned stadium in Virginia and make it the best. He advised that under the seats of Victory Stadium is approximately 340,000 square feet of space, which could be used for such things as basketball courts. volleyball courts, inline hockey and a multitude of other uses. He called attention to the 5000+ signatures of citizens who want to provide input as to the future of Victory Stadium, and suggested that a commission be appointed to review the overall issue and to submit recommendations that can be voted on at a public referendum.

Ms. Lynn Davis, 1674 Sigmon Road, S. W., advised that Victory Stadium provides a sense of place, it represents an icon to the community similar to the Mill Mountain Star, Mill Mountain Theater, the City Market, Jefferson High School, etc., and it is not possible to erect a new sense of place. She stated that she is not convinced that the flood plain is a problem, new research in urban forestry and other flood abatements is becoming more and more sophisticated, causing flood control issues to be much easier to address than in the past. She asked that future study be given to renovating Victory Stadium at a cost that will be acceptable to most taxpayers of the City of Roanoke.

Ms. Mark McConnel, 546 Camilla Avenue, S. E., addressed the issue of sustainability which involves building in such a way so as not to impact the environment in a way that is more detrimental than it needs to be; the Federal Government, including all branches of the Armed Forces, have mandates for sustainable design; and the number one thing that should not be done if a building is to remain sustainable, is to demolish an existing structure to create a new structure of similar purpose. He expressed concern with regard to the City of Roanoke and its ties to the natural environment; and the City's 2020 Comprehensive Plan, the Urban Forestry Plan, and the branding exercise all address Roanoke's tie to its natural environment. Therefore, he expressed concern that the City might be continuing on its current path which is most destructive to the environment – filling up a landfill with a renovatable structure, although the stadium/amphitheater is a good idea. He expressed concern regarding the distance of seats from the stage in the proposed stadium/amphitheater. He discussed the funding mechanism and renovation of Victory Stadium using Historic Rehabilitation Tax Credits; and advised that Victory Stadium was the first monument to victory in World War II; therefore, the facility is a State Historic Landmark and can be a National Historic Landmark, qualifying through corporate structuring for tax credits that could finance one-third of the renovation cost.

Mr. Mark Frye, 812 Wildwood Road, S. W., advised that he moved to Roanoke 17 years ago after having lived in numerous cities throughout the United States, and the Roanoke Valley is by far the best of all. He stated that Roanoke is a special place made up of special people and special attractions, a few of which are the Roanoke City Market, The Hotel Roanoke, Mill Mountain, the Mill Mountain Star and Victory Stadium. He added that Victory Stadium is special, he cannot imagine the facility being torn down because Victory Stadium belongs to the citizens of Roanoke and they should be allowed to decide its fate through a public referendum. From the standpoint of a parent of teenagers, he expressed concern about the traffic at the Orange Avenue site if a stadium/amphitheater is constructed at that location.

Mr. Don Bouldin, 2114 Berkley Avenue, S. W., referred to an existing cemetery in the area proposed for the new stadium/amphitheater complex on Orange Avenue and inquired as to who will pay for the cost of moving the cemetery. He stated that drawings show the proposed new stadium/amphitheater under steep steps which will create a hardship for elderly or disabled persons. He referred to comments regarding the deteriorating condition of Victory Stadium since nothing has been done to the facility for the past 60 years, and asked if a new stadium/amphitheater will suffer the same fate in 50 - 60 years. He inquired as to who will pay for demolishing Victory Stadium; and what will be the status of the agreement with Norfolk Southern if Victory Stadium is torn down. He spoke in support of renovating Victory Stadium.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in support of saving Victory Stadium. She encouraged all persons in attendance to attend the City Council meeting on Monday, August 4, 2003, to demonstrate their interest in the issue. She stated that many of the supporters of either stadium have already left the meeting, but it is hoped that the diminished crowd at this point does not diminish the outpouring that was expressed earlier in the evening.

Ms. Barbara Myler, 912 Stewart Avenue, S. E., spoke in support of renovating Victory Stadium. She stated that Roanokers have fond memories of activities they have attended at Victory Stadium, and suggested that the City investigate whether Victory Stadium is eligible for historic tax credits that could be used to fund renovation.

Mr. E. Duane Howard, 508-B Walnut Avenue, S. W., advised that some Roanokers have been accused of living in the past, when others refuse to see the future of Victory Stadium. He stated that the future of sports is not in baseball, football, or even soccer, but in the gravity games, a venue alone that could support a renovated Victory Stadium. He added that some Roanokers are concerned about the past because the past was free of crime and violence, the word of the people was heard and not stifled, City Council followed the democratic rule and did not create its own rules, there were public servants who did not want to live off of the public, and a man's honesty was rewarded and not punished. He stated that Roanokers are proud of the past, they are proud of a past that will not allow historic names to be changed and buildings to be torn down, a past where Roanokers believed in freedom of the press. He further stated that Roanokers know they cannot live in the past, but they can capitalize on the past by renovating Victory Stadium; however, it appears that the City has chosen to ignore its future. He called attention to petitions signed

by over 7,000 persons in the Roanoke Valley in support of renovating Victory Stadium, and advised that if it is the will of the people to renovate Victory Stadium, the City has an obligation to support those wishes, right or wrong.

Mr. James St. Clair, 1322 Essex Avenue, N. W., expressed concern about the proposed location of the new stadium/amphitheater relative to traffic issues; and the stadium should be located outside of the City's corporate limits. He stated that there should have been more communication with citizens prior to the public forum and in the future Council should provide more opportunities for open dialogue with citizens on issues of concern to the community. He advised that Victory Stadium should be renovated in order to accommodate the recreational needs of the total community.

Mr. Larry Johnson, 6164 Burnham Road, S. W., Roanoke County, referred to other historical buildings in the City of Roanoke that have been demolished, such as the American Theater, Lee Junior High School, the Academy of Music, and the Hunter Memorial Viaduct. He called attention to renovation of the former Jefferson High School and The Hotel Roanoke, both of which are successful projects today, and stated that the City of Roanoke has done a good job in saving some of its historical sites; therefore, the same should be done for Victory Stadium because it is a historical landmark.

Mr. Sherman Lea, Sr., 1638 Lonna Drive, N. W., inquired if consideration has been given to the type of turf that will be used in the proposed new stadium, and requested a response at a later time. He addressed the issue of Roanoke's history of taking major public expenditures for public facilities to the citizens through a referendum. He conceded that there are instances in which cities, such as Roanoke, need not take bond issues to the voters, examples of which include situations where the City is fulfilling a contractual obligation, or when the City must meet a specific mandate, but when spending large sums of tax dollars on traditional public facilities. the City of Roanoke's history has been to take issues to the public through a referendum. He called attention to the Roanoke Civic Center bond issue which was not approved until the third try; there have been some comments that the only time past City Councils have gone to the public for a referendum was when a bond issue was tied to a tax increase; however, records in the City's Finance Department indicate that bond referendums held in 1987 for \$10 million, in 1990 for \$15.3 million and in 1997 for \$39 million were not tied to a tax increase; and since the last bond referendum in 1997, the City Council has authorized or issued over \$130 million in debt, which was authorized without a public referendum. He stated that a staggering number of citizens agree that a referendum is needed on the Victory Stadium issue.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of allowing the citizens of Roanoke to decide on the fate of Victory Stadium through a public referendum. He addressed the condition of Victory Stadium and advised that past City Councils and past City administrations are to blame since no funds were appropriated by the City for needed repairs. He referred to the condition of East Gate Park and advised that in 1997, following the bond referendum, residents were promised basketball courts, tennis courts, etc., but no improvements have been made to date other than a small piece of playground equipment.

Ms. Harriet S. Lewis, 1015 Palmetto Street, N. W., representing Radio Station WTOY, shared some of the comments received from listeners; i.e., some question the wisdom of spending \$18 million when there are other needs in the City, particularly in the northwest community that have gone unaddressed; impact to the surrounding northwest community with the proposed placement of the new stadium at Williamson Road and Orange Avenue; the current process to receive citizen comment; a black cemetery near the proposed stadium which was disturbed when I-581 was built — how will contractors afford the cemetery the proper respect and how will stadium attendees and fans be warned and fined should they desecrate the cemetery; the proposed complex will be located in an area surrounded by residential neighborhoods, in addition to a high and constant volume of heavy traffic; the City of Roanoke prides itself on being a city of neighborhoods, therefore, why would the City reduce the quality of life for those citizens living within one block of this intrusive complex; and failure by the City to hold a public forum at the onset of the new stadium proposal may have been an unintended oversight, however, when any municipal body assumes an ongoing posture via its policies and procedures of restricting input, censoring legitimate discourse, and limiting comments and questions from its citizens regarding major issues, it is predictable that the same body will continue to ignore critically important facets of a process that are part and parcel of the democratic way of doing business.

Mr. Donald Dickerson, 4441 Oleva Street, N. W., spoke in support of renovating Victory Stadium. He stated that it is the City's fault that the stadium has deteriorated because no funds were spent on renovation for approximately 60 years, and even though something is old does not mean that it is of no use. He inquired if a new stadium/amphitheater is constructed on the Orange Avenue site, will it too fall into a state of disrepair due to lack of maintenance by the City. He also inquired as to why all City facilities appear to be constructed on the north side of Roanoke.

Calvin H. Johnson, 3530 Windsor Road, S. W., Chair, Roanoke Civic Center Commission, advised that the Civic Center Commission supports the proposed new stadium/amphitheater, which represents the future for the City of Roanoke, the Roanoke Valley and southwestern Virginia. He stated that the proposed facility will provide Roanoke with the opportunity to hold events that it does not currently have the facilities to host; and the stadium/amphitheater is a new concept that will benefit not only the City of Roanoke, but other cities similar to Roanoke. He explained that the debt for the new facility will be addressed through revenues from events that are held at the facilities, along with other tax dollars. He asked that Council not rescind its previous action to construct a new stadium/amphitheater at the Oange Avenue site.

Mr. Randy Harrison, 2311 Westover Avenue, S. W., spoke in support of saving Victory Stadium and stated that Roanokers are fortunate to live in a city with a mountain and a river that runs through the heart of the City. He called attention to the many sporting activities that could be held at Victory Stadium and along the Roanoke River, such as canoeing and fishing, Maher Field, the tennis courts and the South Roanoke Sports complex. He expressed concern that public facilities are constructed in Roanoke, while infrastructure needs continue to suffer. He questioned whether costs associated with the new stadium/amphitheater have been accurately reported; and Roanoke should save Victory Stadium and actively market the facility in competition with the City of Salem.

Mr. Robert Gravely, 3360 Hershberger Road, N. W., advised that he is not as concerned about the condition of Victory Stadium as the lack of marketing of the facility by the City. He stated that citizens do not support attractions at the Roanoke Civic Center because the average citizen cannot afford the price of a ticket; therefore, Victory Stadium should be renovated for future use. He advised that there is a need to create more jobs for Roanoke's citizens, City Council should represent the citizens of the City of Roanoke and not large business interests, Council must be accountable and responsible when spending taxpayers' money; and there should be more diversity in Roanoke City which can be achieved by marketing Roanoke to all races.

There being no further speakers, Mr. Landon expressed appreciation to all persons who participated in the meeting.

The Mayor expressed appreciation to Mr. Landon for serving as moderator over the proceedings and declared the meeting adjourned at 10:30 p.m.

		V	

ATTEST:		
Mary F. Parker	Ralph	n K. Smith
City Clerk	Mayo	r



# CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

RALPH K. SMITH Mayor

September 15, 2003

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

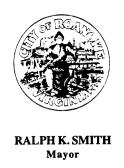
This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

Ralph K. Smith

Mayor

RKS:snh



# CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

September 15, 2003

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss the Citizen of the Year, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

Ralph K. Smith Mayor

RKS:snh

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

The Honorable Mayor and Members of City Council Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely

Darlene L. Burcham

City Manager

DLB/f

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

The Honorable Mayor and Members of City Council Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham

City Manager

DLB/f

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

The Honorable Mayor and Members of City Council Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham

City Manager

DLB/f

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

Mary F. Parker, City Clerk

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Subject: Authorization to advertise for adoption of a revised Cable Television Ordinance and Approval of a Renewal Cable Television Franchise Agreement

Dear Mayor Smith and Members of City Council:

The City of Roanoke representatives, along with representatives of Roanoke County and the Town of Vinton, have been negotiating a renewal of the Cable Television Franchise Agreement between the City and CoxCom, Inc., d/b/a Cox Communications Roanoke. This will also involve adoption of a revised Cable Television Ordinance for the City. In order to accomplish this, a public hearing needs to be held.

#### Recommended Action:

Authorize the scheduling and advertising of adoption of a revised Cable Television Ordinance and approval of a renewal Franchise Agreement between the City and CoxCom, Inc., d/b/a Cox Communications Roanoke, for a public hearing to be held at Council's October 6, 2003, meeting.

Respectfully submitted,

Darlene L. Burcham

City Manager

c: Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Roy Mentkow, Acting Director of Technology

CM03-0190

0004 - 1 - 10 - 10 - 10

### September 2, 2003

#### 1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 11:05 a.m. on Tuesday, September 2, 2003, with Chair, Linda F. Wyatt, presiding.

### The roll was called by Mrs. Powers

**Audit Committee** 

Members Present: Linda F. Wyatt, Chair

Mayor Ralph K. Smith William D. Bestpitch Dr. M. Rubert Cutler Alfred T. Dowe, Jr.

C. Nelson Harris (arrived late)

Beverly T. Fitzpatrick, Jr,

Others Present: Drew Harmon, Municipal Auditor

Darlene L. Burcham, City Manager David C. Anderson, City Treasurer William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Chris Slone, Public Information Officer

Rolanda B. Russell, Asst. City Manager Community Development

George C. Snead, Jr., Asst. City Manager for Operations

Ruth C. Willson, School Board Audit Chair

Susan S. Lower, Deputy Director of Real Estate Valuation

Mike Tuck, Assistant Municipal Auditor

Pamela Mosdell, Information Systems Auditor

Brian Garber, Senior Auditor

Evelyn Powers, Administrative Assistant Joe Dashiell, News Channel 7 Senior Reporter Todd Jackson, Roanoke Times Reporter

Evelyn Bethel, Citizen Helen Davis, Citizen

#### 2. INTERNAL AUDIT REPORT:

- A. Real Estate Valuation
- B. Sheriff's Canteen Fund and Jail Inmate Fund
- C. Purchasing Cards
- D. Facilities Management

Mrs. Wyatt ordered that the internal audit reports be received and filed. There were no objections from the Committee. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon briefed the Committee on the Real Estate Valuation audit and informed the Committee that this was a turnover audit as requested by Council prior to Mr. Claytor retiring. Mr. Harmon stated that things were found in excellent order. Mr. Harmon stated he would like to perform a post implementation audit in about a year to look at the system. Mr. Bestpitch asked for clarification

that the most recent data available from the Virginia Department of Taxation was the 2000 data. Mr. Harmon verified that 2000 was the most current data available. Mr. Bestpitch questioned if the reason goal number 3 regarding the reduction of supervisory positions in Real Estate had not yet occurred was because they were trying to achieve this through attrition in relation to reducing the number of supervisors in the office. Mr. Harmon stated it is somewhat due to the status of people currently in those positions as well as the need for staff to implement Proval. Mr. Bestpitch asked if the Proval implementation would be finished in about 1 year. Mr. Harmon stated ves from the standpoint of program implementation. Mr. Hall, Director of Finance, stated that the organization structure of Real Estate Valuation will be evaluated once a new Director is in place. Mr. Hall stated that the major functions of Proval are in place and that it might take 1 to 2 years to establish the models in the system for approximately 150 distinct neighborhoods. Mr. Bestpitch said that he understands that Proval is a dynamic process and in some sense it will never be completed. Mr. Bestpitch asked Mr. Hall if he had any concerns now that Real Estate Valuation has been transferred to his area. Mr. Hall stated no; other than getting a Director named. Dr. Cutler asked if revising the current business plan would be at the top of the list for the new Director of Real Estate Valuation. Mr. Hall stated yes. Mr. Dowe asked if there's a need for more payment drop boxes given the recent closing of the Treasurer's satellite office at DMV. Mr. Anderson, City Treasurer, stated that the current drop box at the DMV will stay and there is one at Reserve Avenue at Parks & Recreation, one in front of the Municipal Building, and one downstairs in the lobby. We have not looked at anymore areas to put drop boxes currently. Mr. Anderson stated that the manager at DMV was very positive about having the drop box there permanently and it will be picked up everyday by the City. Mrs. Wyatt stated that if there was no objection, the Chair would like to send a letter of commendation to Mr. Claytor on the results of the audit and the fine shape in which he left his department. There was no objection to the order.

Mr. Harmon briefed the Committee on the Sheriff's Canteen and Jail Inmate Fund audit. There were no comments or questions from the Committee.

Mr. Harmon briefed the Committee on the Purchasing Cards audit. Dr. Cutler asked what an "attractive asset" was as described in the report. Mr. Harmon stated that an attractive asset was anything that could be for personal use, such as a lawn mower.

Mr. Harmon briefed the Committee on the Facilities Management audit. Mr. Harmon stated that the audit was the first one in the Building Maintenance area and that the scope was limited to evaluating work order processing and the preventive maintenance process. Mr. Harmon stated that management and staff were very cooperative during the audit and were doing a very good job given the limitations they have. Mr. Harmon stated that Building Maintenance needs to have better documented procedures. Mr. Harmon stated that the use of blanket work orders needs to be better regulated. Mr. Bestpitch stated that he noticed that the department has been without a manager for over 13 months and that the findings identified were management related. Ms. Burcham stated that a Facilities Manager has been hired and will start on September 29. Ms. Burcham stated that she has been concerned that no departments in the City have an automated work order system. Ms. Burcham stated that this has been made a priority over the next 9 months to put such a system in place. This will give managers in all City areas better insight into the deployment of his or her resources. Ms. Burcham noted that Wanda Reed served as Acting Manager of Facilities Management for a number of months and that they have also reinstated a Superintendent position in Facilities Management that was an internal promotion. Ms. Burcham stated that the City is trying to get trades workers to acquire the necessary certifications so that they can move up in the organization. Mr. Bestpitch stated that

while he agrees with the ideas stated regarding internal promotions, he is concerned about positions taking 14 months to fill. Mr. Bestpitch stated that this issue should be part of the budget study discussions this year. Mrs. Wyatt stated that this concern will be passed along to Mr. Harris who chairs the Budget Committee.

There were no further questions or comments from the Audit Committee regarding the internal audit reports. All reports were received and filed.

#### 3. UNFINISHED BUSINESS:

### A. School Safety - Update

Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that he had met with Dr. Harris and Mrs. Willson, who is the School Board Audit Committee chair, and discussed the issue and that the full Board would discuss the appropriate timing for a safety audit at the September 9<sup>th</sup> School Board meeting. Dr. Cutler stated that his perception from the morning meeting was that the auditing department would not be involved for maybe a year or more. Mr. Harmon stated that was his perception as well. Mr. Harmon stated that the three year audit plan for the School Board included a safety audit in fiscal year 2005. Mr. Harmon stated he understood the position that schools are making changes to the process and that auditing the process would be like trying to hit a moving target. Mr. Harmon stated that questions about the data inconsistencies and about the intent to under report were not addressed by the Department of Education's review. Dr. Cutler stated that his response to the members of the public who have contacted him about school safety is that he has a great deal of confidence in the Municipal Auditor and the audit staff and the sooner audit is involved the better. Mr. Bestpitch stated that based on his understanding of the audit function, it is best to involve auditors at the beginning of the development and implementation of a new process. Mr. Bestpitch stated that he felt it would be valuable relatively soon to not have necessarily an evaluation, but to have some involvement from the auditing department to advise how best to setup the process. Mr. Bestpitch asked if there are other questions that truly need to be answered that could provide useful information to the task force process and the development of a better system. Mr. Bestpitch asked if we really need to get more answers to those questions or do we have enough information to say that the best use of our time and resources would be towards development of better processes for the future as opposed to answer every question about the past. Mr. Harmon stated that in his opinion, the public has been concerned with two questions: 1) was there intentional under reporting, and 2) what exactly were the data inconsistencies. Mr. Harmon stated that he believes it would be better to answer those questions sooner rather than later. Mr. Harmon stated that the Administration could probably do that just as well as an auditor could in most cases. The school's safety person, Annie Harmon, could have her staff look at the process and the data to determine exactly went wrong. Mr. Harmon stated that he has discussed with Dr. Harris and Mrs. Willson the need for the School Board to discuss their concerns on Tuesday the 9th, whether or not it is important to look back and review the data. Mr. Bestpitch asked if the Auditing department could audit the school safety data within the department's annual plan due to be approved at today's meeting. Mr. Harmon stated that the School Board had agreed in June to revisit the annual plan in September after the Department of Education report was completed and decide if the plan should be revised to include audit work in school safety. Mr. Bestpitch stated that if the Municipal Auditor feels there are some specific questions that need to be evaluated, then the City Audit Committee may want to think about listening to that and supporting his recommendations. Mrs. Wyatt stated that the chair

would entertain a motion to that effect. Mr. Harmon stated the decision to audit school safety resides solely with the School Board. Mr. Bestpitch stated that he was not trying to make a motion to direct, but only to endorse the auditor's recommendation to the School Board on how to proceed. Mr. Fitzpatrick seconded the motion. Mrs. Wyatt stated that the motion had been moved and seconded that the Audit Committee endorse Mr. Harmon's recommendation. Mrs. Wyatt asked for any discussion. Mr. Fitzpatrick stated that Mrs. Willson was present and that she may want to address the issue. Mr. Fitzpatrick stated that he thought it was important to get the kind of information being discussed. He also wanted to be sure that the School Board understood the City Audit Committee's intentions and that the decision was the School Board's own to make. Mr. Bestpitch stated that he agreed, and that he wanted to be sure the School Board understood that the City Audit Committee would not hesitate to offer any assistance that would be helpful. Mr. Harris apologized for being late and asked Mr. Harmon to encapsulate his recommendations. Mr. Harmon stated that the questions regarding intentional under reporting. and data discrepancies continue to be outstanding concerns to the public and that it would be best to address those questions now through an audit. Mrs. Willson stated that she was happy to be at the meeting to hear the discussion and that she would bring forth Council's concerns to the School Board. She stated that the School Board does have an engagement letter with the Municipal Auditor and an audit plan has been voted on and agreed to this year. She stated that the School Board would discuss the plan at their meeting Tuesday night. There being no further discussions on the matter, the motion passed unanimously.

#### 4. NEW BUSINESS:

- A. Municipal Auditing Annual Plan June 30, 2004
- B. Audit Committee Annual Report June 30, 2003
- C. Municipal Auditing Annual Report June 30, 2003

Mr. Harmon briefed the Committee on the Municipal Auditing Annual Plan for fiscal year 2004. and the Municipal Audit Annual Report for fiscal year 2003. Mr. Harmon stated that due to a number of unscheduled audits, the department was unable to complete last year's audit plan and that unscheduled audits were to be expected. Dr. Cutler asked if there were any audit issues that should be considered that relate to the creation of the Regional Water Authority and is the Municipal Auditing department involved in Authority related work at this time. Mr. Harmon stated that he has not been involved at all and that it was mentioned at our April work session with Council. Mr. Harmon stated that he has had discussion with Ms. Burcham and Mike McEvoy about the possibility of providing internal audit service for the Water Authority in some way. Dr. Cutler stated that in a way it was similar to the situation regarding the Assessor's office in transferring responsibility to the Director of Finance because the City is sort of completing its responsibilities before shifting them to the Authority. Dr. Cutler asked if now is the time to look at something. Mr. Harmon stated there are a lot of components involving water billing, operations, and accounting. He felt it would be difficult to do anything that would be beneficial. Dr. Cutler asked if internal audit was an internal support function that the City would contract with the Authority to provide. Ms. Burcham stated that it is one that we have not discussed at this point as we have tried to look at the bigger issues, but it is on the list of things that will be identified. Ms. Burcham stated that there a number of options, it could be contracted and it could be something that we chose to privately contract. Ms. Burcham stated that we have been going through a series of steps trying to analyze the big pieces particularly those that will have an immediate financial impact. Mrs. Wyatt asked Mr. Harmon about not finishing audits on last year's plan and noted her concern that part of being pro-active is having staff time available to

do training and the equivalent of preventative maintenance. Mrs. Wyatt asked for Mr. Harmon's input on that for pre-budget study. Mr. Harmon stated that the auditing department would like to do more training and that the City Manager has discussed with him the possible need to provide some in-service about internal controls to the management team. Mr. Harmon stated that time to develop presentations was included in this year's audit plan. He also stated that the department's goal has been to perform some audit service in every department every year. Right now, the department performed some audit service in about ¾ of the departments. With additional staff, it may be possible to get that up to 100%. There were no further comments or questions from the Committee.

#### 5. ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:55 a.m.

Linda F. Wyatt, Audit Committee Chair

Linda F. Wyatt

5.a.



RITA P. MASON COLLECTION SPECIALIST

AREA CODE 540 TEL. NO. 853-1533

### CITY OF ROANOKE

COST COLLECTION UNIT
OFFICE OF THE COMMONWEALTH'S ATTORNEY
315 CHURCH AVENUE
ROANOKE, VIRGINIA 24016

August 19, 2003

Honorable Mayor and Members of Roanoke City Council Roanoke, Virginia

Subject: Cost Collections Unit

Dear Mayor Smith and Members of City Council:

Please reserve approximately ten minutes at the September 15, 2003 Council Meeting, for the Commonwealth's Attorney to do a short presentation of the Cost Collection Department's results for the 2002-2003 Fiscal Year.

Thank you for your assistance with this request.

Sincerely,

Rita P. Mason

Collection Specialist

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

The Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Betty Jo Anthony, Assistant Commonwealth Attorney, in which she will be presenting results of the Cost Collection Department for the 2002-2003 fiscal year at the regular meeting of City Council on Monday, September 15, 2003.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney

Director of Finance

City Clerk

6.a.1.

# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr. Council Member Honorable Beverly T. Fitzpatrick, Jr. Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Help Eliminate Auto Theft Grant

### Background:

The Help Eliminate Auto Theft (H.E.A.T.) Program is a cooperative effort between the Virginia Department of State Police, the Department of Motor Vehicles, and 161 local law enforcement agencies across the Commonwealth of Virginia. Based on population, Virginia has enjoyed a 25.6% decrease in the number of auto thefts since the implementation of the H.E.A.T. Program in 1992. As part of the 2002-2003 H.E.A.T. Program, funds were allocated in the form of grants to financially support the implementation of new auto theft enforcement initiatives by law enforcement agencies.

Cognizant that there is a continuing trend of auto thefts occurring in the Roanoke Valley, the Police Department developed a plan to proactively address these thefts. On August 5, 2003, the Commonwealth of Virginia Department of State Police awarded the City of Roanoke \$6,911 in grant funds to establish a "Bait Vehicle Program". There is no local cash match requirement. Grant funds will be utilized to purchase the appropriate bait vehicle equipment and software needed to successfully operate one bait vehicle. The goal of this "Bait Vehicle Program" is to aid law enforcement officers and detectives with the reduction of auto thefts in Roanoke Valley. Using the Police Department's crime analysis statistics, the bait vehicle will be utilized in areas where frequent vehicle thefts occur. The information retrieved from the bait vehicle will also provide the Court with comprehensive verifiable case information to aid in the successful prosecution of auto

The Honorable Mayor and Members of City Council September 15, 2003 Page 2

theft cases. Once established, this program will serve as a deterrent for future car thieves.

#### Recommended Action:

Accept the grant of \$6,911 from the Commonwealth of Virginia Department of State Police and authorize the City Manager to execute the grant agreement and any related documents, subject to them being approved as to form by the City Attorney.

Appropriate State grant funds of \$6,911 with a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham

City Manager

### DLB:fjd

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-00175



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

## **Appropriations**

Public Safety \$ Help Eliminate Auto Theft Grant (1-2)						
Revenues						
Public Safety \$ Help Eliminate Auto Theft Grant (3)						
<ol> <li>Maintenance</li> <li>Expendable Equipment</li> <li>State Grant Receipts</li> </ol>	(035-640-3450-2005) (035-640-3450-2035) (035-640-3450-3450)	\$	1,308 5,603 6,911			

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:

City Clerk.

all

# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the Help Eliminate Auto Theft (H.E.A.T.) Grant offer made by the Commonwealth of Virginia Department of State Police and authorizing the execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke does hereby accept the offer made to the City by the Commonwealth of Virginia Department of State Police of the Help Eliminate Auto Theft (H.E.A.T.) Grant in the amount of \$6,911, such grant being more particularly described in the letter of the City Manager, dated September 15, 2003, upon all the terms, provisions and conditions relating to the receipt of such funds.
- 2. The City Manager and the City Clerk are hereby authorized to execute, seal and attest, respectively, the grant agreement and all necessary documents required to accept this grant, all such documents to be approved by the City Attorney.
- 3. The City Manager is further directed to furnish such additional information as may be required by the Commonwealth of Virginia Department of State Police in connection with the City's acceptance of this grant.

ATTEST:

City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr. Council Member Honorable Beverly T. Fitzpatrick, Jr. Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to City Code Section 21-80

## Background:

The City continues to address issues relating to its options for the management of its deer population. A temporary solution to managing the City's deer population has been developed. This plan would utilize two (2) retired Roanoke police officers as temporary city employees who, working as a team, will remove antler-less deer through use of a suppressed rifle provided by the City. These officers are avid and long-time hunters. Implementation of this temporary plan is scheduled to begin in October 2003. Section 21-80 of the Code of the City of Roanoke (1979), as amended, states that "it shall be unlawful for any person to shoot any gun, pistol or any other firearm within the limits of the city, except in the case of urgent necessity. This section shall not apply to members of the city police force, members of the established armed forces and members of bona fide gun clubs, shooting on ranges approved by the city council and established in the city for their use, and persons shooting in licensed shooting galleries." While the City Code provides an exception for police officers, the temporary employees will not be "members of the city police force" as they will be hired for the deer program exclusively. There is no provision in Section 21-80 that allows for the discharge of a firearm for the purpose of culling antler-less deer population.

The proposed amendment to Section 21-80 (attachment) states that "persons authorized by the city to cull antler-less deer under the conditions of the Urban Deer Management Program Permit (DPOPP) granted to the city by the Virginia Department

The Honorable Mayor and Members of City Council September 15, 2003 Page 2

of Game and Inland Fisheries" will be allowed to discharge a firearm within the limits of the city. The proposed amendment to Section 21-80 will enable the city to implement its deer management plan.

#### Recommended Action:

City Council adopt an ordinance amending Section 21-80 of the City Code pertaining to the discharging of firearms.

Respectfully submitted,

Darlene L. Burcham

City Manager

### DLB:fjd

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-00172

41)

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Section 21-80, <u>Discharging</u> firearms, Article III, <u>Weapons</u>, of Chapter 21, <u>Offenses – Miscellaneous</u>, of the Code of the City of Roanoke (1979), as amended, to exempt persons authorized by the city to cull antlerless deer from the application of Section 21-80; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 21-80, <u>Discharging firearms</u>, of Article III, <u>Weapons</u>, of Chapter 21, <u>Offenses – Miscellaneous</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Section 21-80. Discharging firearms.

- (a) It shall be unlawful for any person to shoot any gun, pistol or any other firearm within the limits of the city, except in case of urgent necessity. This section shall not apply to members of the city police force, persons authorized by the city to cull antierless deer under the conditions of the Urban Deer Management Program Permit (DPOP) granted to the city by the Virginia Department of Game and Inland Fisheries, members of the established armed forces and members of bona fide gun clubs, shooting on ranges approved by the city council and established in the city for their use, and persons shooting in licensed shooting galleries.
- (b) A violation of this section shall constitute a Class 1 misdemeanor.
- 2. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice-Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Transfer of Option for Sale of Property of Tract F at RCIT

On May 19, 2003 City Council authorized the City Manager to execute an Option Agreement with Roanoke Development LLC for the purchase of New Tract F, designated as Tax Map number 7230105, at the Roanoke Centre for Industry and Technology (RCIT.) Such Option Agreement was executed and is dated June 10, 2003. The proposed developer, Roanoke Development, LLC, had been contacted by SEMCO, Incorporated of Virginia, to design and construct a build-to-suit manufacturing facility for their sole use, which SEMCO would lease from Roanoke Development, LLC. Since that time, SEMCO has decided to own and construct the building itself rather than use a development corporation, and now desires that the Option Agreement be assigned to it so that it may purchase the property from the City. The Option Agreement provides that it may be assigned upon the written consent of the City and Roanoke Development, LLC. Roanoke Development, LLC, has agreed to such assignment (see attachment #1).

#### Recommended Action:

Authorize the City Manager to execute an Assignment and Amendment Number One to the Option Agreement for the sale of New Tract F at RCIT, substantially similar to the one attached to this letter, and to take such further action and execute such other documents as may be required to implement the sale of such

Honorable Mayor and Members of Council September 15, 2003 Page 2

Attorney. Such transfer will keep the same basic terms and conditions related to project scope, investment, and commitments made in the original Option and the separate letter of understanding supplied by SEMCO, Incorporated, pertaining to the project. However, it will release Roanoke Development, LLC, from any further obligations since SEMCO, Incorporated, will be assuming all such obligations.

Respectfully submitted,

Darlene L. Burcham

City Manager

#### DLB:ean

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Elizabeth Neu, Director of Economic Development

CM03-00185

#### ROANOKE DEVELOPMENT LLC

Elizabeth Neu, Director of Economic Development City of Roanoke, Department of Economic Development 111 Franklin Plaza, Suite 200 Roanoke, VA 24011

Option Agreement dated June 10, 2003 between the City of Roanoke, Virginia (Owner") and Roanoke Development, LLC ("Optionee") (the "Option Agreement")

Dear Ms. Neu:

This is to advise the City of Roanoke that Roanoke Development, LLC, as the Optionee under the subject Option Agreement desires that its rights in and obligations under the Option Agreement be assigned to SEMCO Incorporated, a Missouri corporation.

Sincerely yours,

ROANOKE DEVELOPMENT LLC

By:

J. Ryan Lingerfelt, Sole Member

Cc: Bill Gieg Bob Brown

\\REA\165701.1

10014 - 1 - 1 - 14 1

### ASSIGNMENT AND AMENDMENT NUMBER ONE TO OPTION AGREEMENT BETWEEN CITY OF ROANOKE AND ROANOKE DEVELOPMENT, LLC

#### WITNESSETH:

WHEREAS, City and Assignor entered into an Option Agreement ("Option Agreement") dated June 10, 2003, whereby Assignor was granted the option to purchase a parcel of land owned by City and containing approximately 18.437 acres, located at the Roanoke Centre for Industry and Technology and designated as New Tract F ("Property"), for purposes of constructing a manufacturing facility thereon ("Facility"); and

WHEREAS, Assignor originally intended to purchase the Property and subsequently lease the same to Assignee; and

WHEREAS, Assignee now desires to have the Option Agreement assigned to assignee so that Assignee may purchase the Property directly from City; and

WHEREAS, the Option Agreement provides that Assignor may assign the Option Agreement

1

upon the written consent of the City and the Assignor; and

WHEREAS, the parties desire to amend the Option Agreement in certain respects and to provide for the assignment of Assignor's rights and duties thereunder from Assignor to Assignee, all as provided in this Assignment Agreement.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived hereunder the parties agree as follows:

1. Assignor hereby assigns to Assignee, all of Assignor's right, title and interest in, to and under the Option Agreement. Assignee hereby assumes all duties and obligations of Assignor in full as provided for under the terms of the Option Agreement. The City hereby consents to such assignment and assumption, and the parties hereby agree that upon the execution and delivery of this Assignment Agreement, Assignor shall have no further right, title or interest in and no further obligations, liabilities or duties under the terms of the Option Agreement.

The parties acknowledge and agree that this Assignment Agreement is further subject to the following:

- (a) Assignee acknowledges and agrees that it will undertake the same responsibilities, obligations and duties as it would have under the terms of the lease agreement referenced to in the Option Agreement, which includes, but is not limited to the obligations that Assignee will construct the Facility and invest no less than four million dollars into the Facility including installation of manufacturing equipment, and operate the same for a minimum of ten years, but will have no obligation to lease the Facility to itself.
- (b) Assignee further acknowledges and agrees that a part of the consideration for City agreeing to the assignment of the Option Agreement is that Assignee will comply with the terms and

conditions set forth in the letter dated May 27, 2003, from Assignee, signed by its President, to Darlene L. Burcham of the City, a copy of which is attached to this Assignment Agreement as Attachment 1.

- (c) Assignees expressly acknowledges and agrees that it will construct the Facility in accordance with the terms specified in the Option Agreement and that there will be no reduction in the size of Facility.
- (d) The term of the Option Agreement shall not be extended any further from one hundred twenty days from the date of execution of the Option Agreement, except as provided by and under the terms contained in the Option Agreement.
- 2. It is the intent of the parties that Assignor be relieved of all of its duties, rights and obligations under the terms of the Option Agreement upon execution of this Assignment Agreement. Therefore, upon proper execution of this Assignment Agreement, Assignor will have no further obligations or responsibilities to City or Assignee under the terms of the Option Agreement.
  - 3. This Assignment Agreement and Amendment Number One amends and is made a part

of the Option Agreement. As amended hereby, the Option Agreement is ratified and confirmed and deemed to be in full force and effect.

4. This Assignment and Amendment Number One may be executed in counterparts, all of which shall constitute one instrument.

IN WITNESS WHEREOF, the parties have executed this Assignment Agreement and Amendment Number One as of the day and year hereinabove written.

ATTEST:	CITY OF ROANOKE
Mary F. Parker, City Clerk	By
Attest:	ROANOKE DEVELOPMENT, LLC, a limited liability company
Title	By Name Title
Attest:	SEMCO, INCORPORATED, a Missouri corporation licensed to do business in the Commonwealth of Virginia as SEMCO Incorporated of Virginia
Title	By Name Title
Approved as to Form:	Approved as to Execution:

ं अधि । । । ।

Assistant City Attorney	Assistant City Attorney
Appropriation and Funds Required for this Contract Certified	
Director of Finance	
Date Acct: #	

WED - 1 - 10 - 10 - 1

120

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the execution of an Assignment and Amendment Number One with SEMCO, Incorporated of Virginia, to the Option Agreement with Roanoke Development, LLC, for the option to purchase an approximate 18.437 acre purchase of a parcel of land known as New Tract F located at the Roanoke Centre for Industry and Technology ("RCIT"), upon certain terms and conditions; authorizing the City Manager to take such other action and execute such other documents as may be required to implement the sale of such property at RCIT to SEMCO, Incorporated of Virginia; and dispensing with the second reading by title of this ordinance.

#### BE IT ORDAINED by the Council of the City of Roanoke, Virginia that:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, upon form approved by the City Attorney, an Assignment and Amendment Number One with SEMCO, Incorporated of Virginia, to the Option Agreement with Roanoke Development, LLC, for the option to purchase an approximate 18.437 acre parcel of land known as New Tract F and located in the RCIT, and as more particularly stated in the City Manager's letter to City Council dated September 15, 2003, with such Assignment and Amendment Number One being substantially similar to the one attached to such letter.

2. The City Manager is also authorized to take such further action and execute such other documents as may be required to implement such Assignment and Amendment Number One to the Option Agreement and, if exercised, the subsequent sale of such Property, and for related matters, as referred to in the above-mentioned letter.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr. Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Amendment to the Pay Plan Ordinance to include Master Deputy Sheriff

#### Background:

The Master Deputy Sheriff program is a career enhancement program offered to sheriff offices by the State Compensation Board beginning in 1995. The sheriff at that time took advantage of this opportunity through an agreement with the City Manager. This program continues today but is not reflected in the pay plan ordinance along with similar career development programs.

#### Recommended Action:

Approve amendment to the Pay Plan ordinance to include the Master Deputy Sheriff program which provides five percent increase to the base salary up to but not exceeding five percent above the pay range maximum of deputy sheriffs who are appointed by the Sheriff under the guidelines set forth by the Virginia State Compensation Board.

Respectfully submitted.

Darlene L. Burcham

City Manager

DLB:bka

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Kenneth S. Cronin, Director of Human Resources

CM03-00192

ingegre to a comp

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Ordinance No. 36312-051203, adopted May 12, 2003, adopting and establishing, among other things, a Pay Plan for officers and employees of the City effective July 1, 2003, by the addition of a new Paragraph 15, and the renumbering of subsequent paragraphs in the ordinance, in order to include a provision relating to an increases in the base salary of persons qualified and appointed by the Sheriff as Master Deputy Sheriffs; and dispensing with the second reading by title paragraph of this ordinance.

WHEREAS, Ordinance No. 36312-051203, generally referred to as the Pay Plan Ordinance, is adopted annually by City Council, and it is desirable that the provision for the Master Deputy Sheriff salary increments be added to the Pay Plan Ordinance, as recommended in the City Manager's letter dated September 15, 2003;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. Ordinance No. 36312-051203, adopted May 12, 2003, is hereby amended by the addition of a new Paragraph 15, and the renumbering of subsequent paragraphs in the ordinance, which new Paragraph 15 shall read and provide as follows:
  - 15. Each employee of the Sheriff's Office who meets the qualifications for Master Deputy Sheriff and who has been appointed by the Sheriff shall receive a five percent increase in base annual salary. This increase is capped at no more than five percent (5%) above the pay range maximum for a Deputy Sheriff. Any Master Deputy Sheriff who fails to meet the required qualifications and is removed from such appointment by the Sheriff shall have the base annual salary reduced by five percent.

\* \* \*

2. All other provisions of Ordinance No. 36312-051203, adopted on May 12, 2003, including the renumbered paragraphs, shall remain in full force and effect.

3. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.

H:\MEASURES\o-amendpayplanordinance.1.doc

2

### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr. Council Member Honorable Beverly T. Fitzpatrick, Jr. Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Local Law Enforcement Block Grant

2003 - 2005

#### Background:

Congress has appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) for the period of October 1, 2003 through September 30, 2005. The grant will be administered by the Bureau of Justice Assistance and the U.S. Department of Justice. The purpose of the LLEBG program is to provide funds to units of local government to underwrite projects designed to reduce crime and improve public safety. Roanoke has been awarded LLEBG grant funds of \$102,351. Grant conditions require a local match amount of \$11,372 for a program total of \$113,723. This award renews Roanoke's LLEBG grant program for the eighth consecutive year.

These grant funds must be used for: (1) payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel and (2) procuring equipment, training and other materials directly related to basic law enforcement functions. Police bicycle patrol, directed at specific/problem areas or neighborhoods will be continued through this program.

The deadline for acceptance of this grant is September 29, 2003. Grant funds become available only after a public hearing and an LLEBG program advisory committee meeting have been conducted by the Police Department. The public hearing and LLEBG advisory committee meeting must be conducted prior to November 13, 2003.

The Honorable Mayor and Members of City Council September 15, 2003 Page 2

#### Considerations:

The LLEBG Program requires that all grant funds (\$102,351) be placed in an interest bearing account. Based on interest earned during the past year of LLEBG funding, interest earnings of \$1,500 are anticipated for this grant. The local cash match of \$11,372 is available in the Police Department's State Asset Forfeiture account.

#### Recommendation:

Accept the Local Law Enforcement Block Grant (LLEBG) of \$102,351 from the Bureau of Justice Assistance with the Police Department providing \$11,372 as a local cash match from State Asset Forfeiture account number 035-640-3302-2149, and \$1,500 in anticipated interest earnings. Authorize the City Manager to execute the grant agreement and any related documents, subject to them being approved as to form by the City Attorney.

Appropriate funding of \$115,223 per the following and establish corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund:

#### Appropriation:

Overtime	\$ 94,517
FICA	7,231
Expendable equipment	9,448
Training and Development	4,027
Total	\$115,223

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:fjd

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-0177

upr(t j j j



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

#### **Appropriations**

Public Safety \$ Local Law Enforcement Block Grant 03-05 (1-4)					
Revenues					
Public Safety Local Law Enforcement Block	Grant 03-05 (5-7)	\$	3,037,131 115,223		
<ol> <li>Overtime</li> <li>FICA</li> <li>Expendable Equipment</li> </ol>	(035-640-3550-1003) (035-640-3550-1120)	\$ 94,517 7,231			
<\$5,000 4) Training and Development	(035-640-3550-2035) (035-640-3550-2044)	9,448 4,027			
<ul><li>5) Federal Grant Receipts</li><li>6) Local Match</li></ul>	(035-640-3550-3550) (035-640-3550-3551)	102,351 11,372			
7) Interest	(035-640-3550-3552)	1,500			

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:

City Clerk.

g D

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the Local Law Enforcement Block Grant offer made by the Bureau of Justice Assistance and authorizing the execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke does hereby accept the offer made to the City by the Bureau of Justice Assistance of the Local Law Enforcement Block Grant in the amount of \$102,351, such grant being more particularly described in the letter of the City Manager, dated September 15, 2003, upon all the terms, provisions and conditions relating to the receipt of such funds.
- 2. The City Manager and the City Clerk, are hereby authorized to execute, seal and attest, respectively, the grant agreement and all necessary documents required to accept this grant, all such documents to be approved by the City Attorney.
- 3. The City Manager is further directed to furnish such additional information as may be required by the Bureau of Justice Assistance in connection with the City's acceptance to this grant.

ATTEST:

City Clerk

**93004** → 1 P 14 × 0 · .

6.a.6.

### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council

Subject:

Acceptance of United States Department of Health and Human Services funds for the Runaway and Homeless Youth Act Program, Sanctuary Outreach

#### Background:

The City of Roanoke has been selected as a grantee for the second year of a three-year funding cycle for Runaway and Homeless Youth (RHY) program under the provisions of the Runaway and Homeless Youth Act. The amount of the grant is \$126,675 annually. These funds are used to cover the salaries and fringes of a Youth Counselor III, a Youth Counselor II, a relief counselor and related program activities in the Sanctuary Outreach program. The required local match is offered as in-kind services.

The U.S. Department of Health and Human Services awards grants for services in three-year cycles. The project period for this grant began September 30, 2002 and will end on September 29, 2005.

The focus of this program is to alleviate the problems of runaway and homeless youth and their families, strengthen family relationships and encourage stable living conditions. Through this intervention program, Sanctuary Outreach staff offer runaway and homeless youth and their families a combination of shelter-

Honorable Mayor and Members of City Council September 15, 2003 Page 2

based and home-based supportive services that will decrease the incidence of repeat runaway episodes. Program services include: 24 hour intake and referral access; temporary shelter; individual, group and family counseling; community service linkages; aftercare services; case disposition and recreation opportunities.

#### Recommended Action(s):

Accept the grant of \$126,675.00 in 2003—2004 funding from the U.S. Department of Health and Human Services (Grant #03CYO433/02) for Sanctuary's RHY Outreach program. Authorize the City Manager to execute the grant agreement and any related documents required by the Department of Health and Human Services, subject to them being approved as to form by the City Attorney.

Appropriate funding of \$126,675.00 per Attachment A and increase the corresponding revenue estimate in accounts established by the Director of Finance in the Grant fund.

Respectfully submitted,

Darlene L. Burcham, City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

Barry L. Key, Director of Management and Budget

Vickie. L. Price, Acting Director of Human/Social Services

Letitia E. Malone, Juvenile Justice Administrator

Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00178

# Attachment A U.S. Department of Health and Human Services RHY 2003—2004 Account Set-up Transactions

Account No.	Description	Amount
	Revenue—2003/2004 RHY grant	\$126,675.00
	Total revenue	\$126,675.00
Expenditures:		,
Experialtures.		
035-630-5138-1002	Regular Salaries	\$ 57,024.00
035-630-5138-1004	Temporary Employees	\$ 5,721.00
035-630-5138-1105	ICMA	\$ 5,249.00
035-630-5138-1116	ICMA Match	\$ 1,300.00
035-630-5138-1120	FICA	\$ 4,900.00
035-630-5138-1125	Health	\$ 5,496.00
035-630-5138-1126	Dental	\$ 404.00
035-630-5138-1130	Life	\$ 571.00
035-630-5138-1131	Long term disability	\$ 163.00
035-630-5138-2010	Fees for professional services	\$ 1,125.00
035-630-5138-2021	Telephone Cellular	\$ 1,200.00
035-630-5138-2030	Administrative Supplies	\$ 4,850.00
035-630-5138-2042	Dues and memberships	\$ 700.00
035-630-5138-2044	Training and Development	\$ 6,575.00
035-630-5138-2046	Local Mileage	\$ 2,340.00
035-630-5138-2066	Program Activities	\$ 29,057.00
	Total expenditures	\$126,675.00



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

#### **Appropriations**

Health and Welfare Runaway/Homeless Grant (9/	\$	5,981,149 253,350	
Revenues			
Health and Welfare Runaway/Homeless Grant (9/	02 to 8/05) (17)	\$	5,981,149 253,350
1) Regular Employee			
Salaries	(035-630-5138-1002)	\$ 57,024	
2) Temporary Employee	,	,	
Wages	(035-630-5138-1004)	5,721	
3) City Retirement	(035-630-5138-1105)	5,249	
4) ICMA Match	(035-630-5138-1116)	1,300	
5) FICA	(035-630-5138-1120)	4,900	
6) Medical Insurance	(035-630-5138-1125)	5,496	
7) Dental Insurance	(035-630-5138-1126)	404	
8) Life Insurance	(035-630-5138-1130)	571	
9) Disability Insurance	(035-630-5138-1131)	163	
10) Fees for Professional			
Services	(035-630-5138-2010)	1,125	
11) Telephone-Cellular	(035-630-5138-2021)	1,200	
12) Administrative Supplies	(035-630-5138-2030)	4,850	
13) Dues and Memberships	(035-630-5138-2042)	700	

14) Training and		
Development	(035-630-5138-2044)	\$ 6,575
15) Local Mileage	(035-630-5138-2046)	2,340
16) Program Activities	(035-630-5138-2066)	29,057
17) Runaway/Homeless		
9/02 to 8/05	(035-630-5138-5138)	126,675

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

6.a.6.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a grant from the United States

Department of Health and Human Services to be used for salary and fringe benefits of

counselors and related activities in the Outreach Program; and authorizing the execution of

the necessary documents.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City of Roanoke hereby accepts the United States Department of Health

and Human Services' Runaway and Homeless Youth Program Grant (No. 03CY0433/02), in

the amount of \$126,675.00 to be used for salary and fringe benefits of counselors and related

activities in the Outreach Program, and as more particularly set forth in the September 15,

2003, letter of the City Manager to this Council.

2. The City Manager is hereby authorized to execute any and all requisite

documents, upon form approved by the City Attorney, and to furnish such additional

information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.

H:\RESOLUTIONS\R-RUNAWAY AND HOMELESS2003(091503).DOC

4004 1 A 411 . . .

### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

**Equipment Program Grant** 

#### Background:

The Virginia Department of Emergency Management has announced the allocation of the Base 2003 Office of Domestic Preparedness Equipment Program Grant. This grant is designed to allow local governments in Virginia to purchase equipment which will enhance their ability to respond to terrorist acts involving weapons of mass destruction.

The City of Roanoke has been allocated a total of \$79,657 under this grant. This amount is based upon a formula that provided \$20,000 plus 62.7 cents per capita to our locality. Funding will be made available upon review of the equipment budget detail listing and approval by the Virginia Department of Emergency Management and the Office of Domestic Preparedness.

#### Considerations:

This funding, which requires no local match, must be used according to the requirements specified by the Office of Domestic Preparedness. The 2003 grant allows the purchase of equipment from 12 commodity areas, including personal protective equipment, detection and monitoring equipment, decontamination equipment, and communications.

#### Recommended Action:

Authorize the City Manager and the City Clerk to execute and attest, respectively, on behalf of the City of Roanoke, any documentation required in connection with obtaining and accepting the above allocation in the amount indicated and to furnish such additional information and take such additional action as may be needed to implement and administer such funds and agreements, such documents to be approved as to form by the City Attorney.

Appropriate funding of \$79,657 to accounts in the Grant Fund to be established by the Director of Finance. Establish a revenue estimate of the same.

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB:pjt:de

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Paul Truntich, Administrator, Environmental and Emergency Management

CM03-00193

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

#### **Appropriations**

Public Safety Equipment Program Grant (1-	2)	 \$	2,994,654 79,657
Revenues			
Public Safety Equipment Program Grant (3)		 \$	2,994,654 79,657
<ol> <li>Expendable Equipment         (&lt;\$5,000)</li> <li>Project Supplies</li> <li>State Grant Receipts</li> </ol>	(035-660-9644-2035) (035-660-9640-3005) (035-660-9640-3419)	\$ 50,000 29,657 79,657	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

6.a.7.

NAW.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting a Base 2003 Office of Domestic Preparedness Equipment

Program Grant made to the City by the Virginia Department of Emergency Management for the

purpose of purchasing equipment to enhance the City's ability to respond to terrorist acts

involving weapons of mass destruction, and authorizing execution of any required

documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the Base 2003 Office of Domestic

Preparedness Equipment Grant made by the City by the Virginia Department of Emergency

Management, in the amount of \$79,657, such grant being more particularly described in the City

Manager's letter dated September 15, 2003, upon all the terms, provisions and conditions

relating to the receipt of such funds.

2. The City Manager and the City Clerk are hereby authorized to execute, seal and

attest, respectively, all necessary documents required to accept this grant; all such documents to

be approved as to form by the City Attorney.

3. The City Manager is further directed to furnish such additional information as

may be required by the Virginia Department of Emergency Management in connection with the

City's acceptance of this grant.

ATTEST:

City Clerk.

H:\MEASURES\r-grantvdmterroristacts.doc

.....



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Virginia Water Facilities Revolving Fund Loan Authorization

6 (1)

The design phase has been completed for Contract A of the 2003 Wet Weather Improvements at the Roanoke Regional Water Pollution Control Plant. Bids for Contract A were received from four qualified contractors on August 21, 2003. This is the first of a series of three separate projects which will complete the planned improvements to the WPC Plant facilities. Contracts B & C are expected to bid early 2004.

The Departments of Finance and Utilities have evaluated both the issuance by the City of tax-exempt general obligation or revenue bonds at competitive sale and the issuance by the City of sewer revenue bonds to evidence a loan from the Virginia Water Facilities Revolving Fund administered by the Virginia Resources Authority for the funding of the above-stated projects. The Virginia Resources Authority has approved a 20-year loan, in a principal amount of \$17,511,501, at an interest rate not to exceed 3.75%. The Virginia Resource Authority has provided a verbal commitment to increase the loan amount, not to exceed \$23,300,000, prior to loan closing. The interest rate is below current municipal bond rates. Issuance of revenue bonds through the Virginia Resources Authority is advantageous in consideration of future plans for a Water and Waste Water Authority to be established between the City and the County of Roanoke. This funding level is expected to be adequate for the City's share of the contracts for all three of the projects (A, B & C).

The Honorable Mayor and Members of Council Virginia Water Facilities Revolving Fund Loan Authorization September 15, 2003 Page 2

#### Recommended Action:

Adopt a resolution authorizing issuance of sewer revenue bonds of the City to the Virginia Resources Authority as administrator of the Virginia Water Facilities Revolving Fund.

Authorize the City Manager and Director of Finance to take steps necessary to close on this bond issuance.

Appropriate the bond proceeds in an account(s) to be created by the Director of Finance in the Water Pollution Control Fund to provide for the construction of Contracts A, B, and C described in this letter.

Establish accounts receivable from the partner jurisdictions according to the cost allocation formula set forth in the 2003 Wastewater Agreement and appropriate funds to be received, (\$24,300,000), to the same project account.

Respectfully submitted,

Darlene L. Burcham

City Manager

Jesse A. Hall Director of Finance

Jon A. Hall

#### DLB/mtm/sss

c: Jesse A. Hall, Director of Finance

William M. Hackworth, City Attorney

Mary F. Parker, City Clerk

George C. Snead, Jr., Assistant City Manager for Operations

Michael McEvoy, Director of Utilities

Ann H. Shawver, Deputy Director of Finance

Scott Shirley, WPC Manager

CM03-00183



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Water Pollution Control Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

#### **Appropriations**

Capital Outlay Contracts A,B,C – Wet Weatl	\$ 77,329,305 47,600,000		
Revenues			
Nonoperating Capital Contributions from Ot VRA Loan Proceeds (4)			\$ 51,079,027 24,300,000 23,300,000
<ol> <li>Appropriated from         Other Governments</li> <li>Appropriated from         Virginia Resources</li> </ol>	(003-510-8364-8999)	\$ 24,300,000	
Authority Loan	(003-510-8364-9137)	23,300,000	
<ul><li>3) Contracts A,B,C –</li><li>Other Jurisdictions</li><li>4) Virginia Water Facilities</li></ul>	(003-510-8364-1503)	24,300,000	
Revolving Loan	(003-510-8364-1504)	23,300,000	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:

City Clerk.

# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Advantis - Market Building

This is to request space on Council's regular agenda for a 20-minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney

Director of Finance

City Clerk

### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

**Zoning Update** 

.....

This is to request space on Council's regular agenda for a 20-minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

Director of Finance

City Clerk



JESSE A. HALL
Director of Finance
email: jesse hall@ci.roanoke.va.us

# CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

September 15, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

SUBJECT: July Financial Report

This financial report covers the first month of the 2003-2004 fiscal year. The following narrative discusses revenues and expenditures.

#### **REVENUES**

The first couple of months in the fiscal year are difficult to compare to the prior year. Due to period of availability changes made during the implementation of GASB 34, certain revenues related to the prior year but received in July and August of 2003 were accrued and included in the June Financial Report. Reversal of these accruals without adequate offsetting collections in the current year cause certain revenue balances to be negative at July 31<sup>st</sup>. Additionally, many of the large taxes, such as real estate and personal property, are not due until later in the fiscal year. When coupled with the reality that most other taxes are received at least one month in arrears, July activity is relatively low in volume.

One notable item relating to revenue was the performance of the sales tax. The August collection for the month of June was \$1,407,679 and increased by 3.18% from the FY 2003 collection for the same month.

There are a couple of changes to the revenue structure for the 2003-2004 fiscal year. Admission taxes for City owned facilities increases from 6.5% to 9.0% while this tax decreases to 5.5% for events at facilities not owned by the City. With this change, 0.5% of the non-City rate will be dedicated to cultural service agencies. A short-term rental tax of 1% becomes effective October 1<sup>st</sup> and is projected to add revenues of \$104,000 in FY 2004. The E-911 tax rate increases from \$1.45 to \$2.00 per line effective September 1<sup>st</sup>, and is projected to add revenues of \$385,000 in FY 2004. None of these changes has an impact on July revenues.

Two revenue streams experiencing a negative impact are interest income and grants-in-aid from the Commonwealth. Historically low interest rates continue to contribute to decreases in interest income, and no significant increases are

Honorable Mayor and Members of Council September 15, 2003 Page 2

foreseen at this time. Program cuts implemented by the Commonwealth of Virginia to balance its FY 2004 budget will likely result in the City receiving no revenue growth in state funding compared to the prior year.

#### **EXPENDITURES AND ENCUMBRANCES**

Similar to revenues, it is difficult to analyze expenditure trend information over short time periods. Expenditure comparison will have more meaning after obtaining a couple of months of data.

A couple of key changes will impact the obligations of the City in the 2003-2004 fiscal year. First, the City granted an average raise of 2.25% to its active employees effective July 1, 2003. Secondly, the City's purchasing division has taken an aggressive approach in encumbering, via purchase order, many fixed costs departments incur throughout the year such as rent and fixed contracts. This has resulted in higher obligations in the current fiscal year compared to the prior fiscal year, but it represents a more realistic assessment of departmental obligations.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.

Director of Finance

JAH/jrw Attachments

#### CITY OF ROANOKE, VIRGINIA SUMMARY OF CITY MANAGER TRANSFERS AND AVAILABLE CONTINGENCY JULY 31, 2003

Balance of Contingency at July 1, 2003

\$ 660,710

Contingency Transfers/Appropriations Available Contingency at July 31, 2003

\$ 660,710

Note: There were no interdepartmental City Manager Transfers through July 31, 2003.

### CITY OF ROANOKE, VIRGINIA GENERAL FUND

#### STATEMENT OF REVENUE

	Year to Date for the Period						<b>Current Fisca</b>	l Year
Revenue Source		y 1 - July 31 2002-2003		ly 1 - July 31 2003-2004	Percentage of Change		Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$	(327,103)	\$	(115,947)	-64.55 %	5 \$	83,500,217	-0.14%
Other Local Taxes		(850,879)		(1,507,192)	77.13 %	Ď	60,866,657	-2.48%
Permits, Fees and Licenses		71,897		89,766	24.85 %	Ď	907,302	9.89%
Fines and Forfeitures		127,060		100,764	-20.70 %	Ď	1,296,130	7.77%
Revenue from Use of Money and Property		67,132		58,535	-12.81 %	ó	1,093,091	5.36%
Grants-in-Aid Commonwealth		(1,098,362)		(1,405,517)	27.96 %	Ď	45,711,128	-3.07%
Grants-in-Aid Federal Government		-		-	#DIV/0! %	Ď	34,300	0.00%
Charges for Services		261,410		693,355	165.24 %	ó	8,472,862	8.18%
Miscellaneous Revenue		23,646		44,357	87.59 %	Ď	416,874	10.64%
Internal Services		22,742		(39,020)	-271.58 %	, 0	2,529,153	-1.54%
Total	\$	(1,702,457)	\$	(2,080,898)	22.23 %	\$	204,827,714	-1.02%

#### STATEMENT OF EXPENDITURES AND ENCUMBRANCES

		Yea	Date for the Pe	riod		Current Fiscal Year					
Expenditures		ly 1 - July 31 2002-2003	July 1 - July 31 2003-2004		Percentage of Change		Unencumbered Balance		Revised Appropriations		Percent of Budget Obligated
General Government	\$	1,241,710	\$	1,296,869	4.44	%	\$	10,570,053	\$	11,866,922	10.93%
Judicial Administration		595,811		526,172	-11.69	%		6,569,608		6,569,608	8.01%
Public Safety		4,904,143		5,791,506	18.09	%		44,219,973		50,011,479	11.58%
Public Works		4,673,929		4,908,988	5.03	%		19,974,081		24,883,069	19.73%
Health and Welfare		1,694,666		3,282,048	93.67	′ %		25,236,771		28,518,819	11.51%
Parks, Recreation and											
Cultural		622,968		683,290	9.68	%		4,789,537		5,472,827	12.49%
Community Development		700,586		930,128	32.76	%		4,803,236		5,733,364	16.22%
Transfer to Debt Service											
Fund		5,827,993		5,839,424	0.20	%		9,503,408		15,342,832	38.06%
Transfer to School Fund		3,893,062		4,074,121	4.65	%		44,815,326		48,889,446	8.33%
Nondepartmental		384,229		752,588	95.87	%	_	8,884,767		9,637,355	7.81%
Total	\$	24,539,097	\$	28,085,135	14.45	_%	\$	179,366,758	\$	206,925,721	13.57%

#### Notes:

Certain reclassifications have been made to prior year financial statements to conform to current year presentation.

The reversal of year end accruals, with no offsetting activity in the current year, caused certain revenues to be negative as of July 31.

### CITY OF ROANOKE, VIRGINIA SCHOOL FUND STATEMENT OF REVENUE

	 Year to Date for the Period					Current Fiscal Year				
Revenue Source	 y 1 - July 31 2002-2003		ly 1 - July 31 2003-2004	Percentage of Change		Revised Revenue Estimates	Percent of Revenue Estimate Received			
State Sales Tax	\$ (750,000)	\$	(725,000)	-3.33 %	\$	9,162,397	-7.91	%		
Grants-in-Aid Commonwealth	2,966,521		3,072,539	3.57 %		44,486,858	6.91	%		
Grants-in-Aid Federal Government	3,476		2,394	-31.13 %		119,048	2.01	%		
Charges for Services	77,266		(68,631)	-188.82 %		2,204,608	-3.11	%		
Transfer from General Fund	3,893,062		4,074,121	4.65 %		48,889,446	8.33	%		
Special Purpose Grants	(747,505)		(1,319,375)	76.50 %		2,422,411	NA			
Total	\$ 5,442,820	\$	5,036,048	-7.47 %	\$	107,284,768	4.69	%		

#### SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES

	Year to Date for the Period			Current Fiscal Year							
July 1 - July 31 <u>Expenditures</u> 2002-2003			July 1 - July 31 Percentage 2003-2004 of Change		Un	encumbered Balance	Revised Appropriations		Percent of Budget Obligated		
instruction	\$	2,635,921	\$	2,554,277	-3.10 %	\$	78,226,544	\$	80,780,821	3.16	%
General Support		13,474		321,129	2,283.32 %		3,837,144		4,158,273	7.72	%
Transportation		141,024		103,981	-26.27 %		4,179,188		4,283,169	2.43	%
Operation and											
Maintenance of Plant		1,078,732		732,457	-32.10 %		10,203,344		10,935,801	6.70	%
Facilities		951,637		1,689,571	77.54 %		373,135		2,062,706	81.91	%
Other Uses of Funds		2,646,437		2,571,736	-2.82 %		2,689,945		5,261,681	48.88	%
Special Purpose Grants		1,572,795		2,422,411	54.02 %				2,422,411	NA	
Total	\$	9,040,020	\$	10,395,562	14.99 %	\$	99,509,300	\$	109,904,862	9.46	%

Note: There are revenue sources that have a negative balance due to the reversal of year-end accruals with no offsetting activity in the current year. Also, certain reclassifications have been made to prior year financial statements to conform to current year presentation.

# CITY OF ROANOKE, VIRGINIA CAPITAL PROJECTS FUND STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND UNENCUMBERED APPROPRIATIONS SUMMARY AS OF JULY 31, 2003

			Expenditures Unexpended		Outstanding		Unobligated		
		Budget		To Date	 Balance	_En	cumbrances		Balance
General Government	\$	9,808,896	\$	7,999,260	\$ 1,809,636	\$	968,927	\$	840,709
Flood Reduction		18,649,620		7,985,899	10,663,721		439,646		10,224,075
Economic Development		25,157,688		19,333,562	5,824,126		194,377		5,629,749
Community Development		6,559,902		5,762,843	797,059		362,707		434,352
Public Safety		8,566,524		6,961,699	1,604,825		637,128		967,697
Recreation		25,882,638		5,921,152	19,961,486		2,685,038		17,276,448
Streets and Bridges		27,383,917		18,384,228	8,999,689		1,321,277		7,678,412
Storm Drains		3,855,622		2,935,442	920,180		350,651		569,529
Traffic Engineering		5,925,821		4,361,372	1,564,449		45,093		1,519,356
Capital Improvement Reserve		780,411		_	 780,411				780,411
Total	<u>\$</u>	132,571,039	\$	79,645,457	\$ 52,925,582	\$	7,004,844	\$	45,920,738

# CITY OF ROANOKE, VIRGINIA SCHOOL CAPITAL PROJECTS FUND STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND UNENCUMBERED APPROPRIATIONS SUMMARY AS OF JULY 31, 2003

		Ex	penditures	U	nexpended	C	utstanding	U	nobligated
	 Budget		To Date		Balance	_En	cumbrances		Balance
Elementary Schools Renovation	\$ 20,389,174	\$	6,839,436	\$	13,549,738	\$	11,619,371	\$	1,930,367
Middle Schools Renovation	981,365		962,733		18,632		-		18,632
High Schools Renovation	2,027,679		278,254		1,749,425		250,000		1,499,425
Transportation Facility Renovation	1,000,000		154,925		845,075		845,075		-
Interest Expense	262,929		209,283		53,646		-		53,646
Capital Improvement Reserve*	 (743,729)				(743,729)		-		(743,729)
Total	\$ 23,917,418	\$	8,444,631	<u>\$</u>	15,472,787	\$	12,714,446	\$	2,758,341

<sup>\*</sup> On Monday, June 16, 2003, Budget Ordinance 36404 was adopted by City Council appropriating \$1,100,000 in Series 2005 Bond funding in advance of issuance to the Patrick Henry High School project.

# CITY OF ROANOKE, VIRGINIA WATER FUND COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2003

	FY 2004	FY 2003
Operating Revenues		
Commercial Sales	\$ 201,343	\$ 175,348
Domestic Sales	(208,434)	(159,092)
Industrial Sales	30,051	18,061
County of Bedford	-	(5,813)
Customer Services	56,660	29,532
Charges for Services	_	194,218
Total Operating Revenues	79,620	252,254
Operating Expenses		
Personal Services	465,616	452,580
Operating Expenses	178,108	(53,323)
Depreciation	149,157	154,857
Total Operating Expenses	792,881	554,114
Operating Loss	(713,261)	(301,860)
Nonoperating Revenues (Expenses)		
Interest on Investments	5,687	14,332
Rent	12,625	13,000
Main Extension Agreements	104,490	-
Miscellaneous Revenue (Expense)	6,856	5,962
Interest and Fiscal Charges	(94,070)	(79,829)
Net Nonoperating Revenues (Expenses)	35,588	(46,535)
Net Loss	\$ (677,673)	\$ (348,395)

Note: Reversal of year end accruals with no offsetting activity in the current year caused certain Revenues and Operating Expenditures to be negative.

#### CITY OF ROANOKE, VIRGINIA WATER POLLUTION CONTROL FUND COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2003

	FY 2004	FY 2003
Operating Revenues		
Sewage Charges - City	\$ 7,724	\$ 1,182
Customer Services	99,315	100,579
Interfund Services	-	8,062
Total Operating Revenues	107,039	109,823
Operating Expenses		
Personal Services	248,872	223,163
Operating Expenses	219,714	257,344
Depreciation	153,395	155,107
Total Operating Expenses	621,981	635,614
Operating Loss	(514,942)	(525,791)
Nonoperating Revenues (Expenses)		
Interest on Investments	6,080	15,657
Miscellaneous Revenue	, -	296
Capital Contributions - Other Jurisdictions	8,765	-
Interest and Fiscal Charges	(60,607)	(61,981)
Net Nonoperating Expenses	(45,762)	(46,028)
Net Loss	\$ (560,704)	\$ (571,819)

Note: Reversal of year end accruals with no offsetting activity in the current year caused certain Revenues and Operating Expenditures to be negative.

## CITY OF ROANOKE, VIRGINIA CIVIC FACILITIES FUND COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2003

	FY 2004	FY 2003			
Operating Revenues					
Rentals	\$ -	\$ 39,418			
Event Expenses	-	17,605			
Admissions Tax	-	2,581			
Electrical Fees	-	1,260			
Facility Surcharge	(444)	3,236			
Charge Card Fees	-	1,080			
Commissions	-	92			
Catering/Concessions	(98)	54,460			
Other	-	245			
Total Operating Revenues	(542)	119,977			
Operating Expenses					
Personal Services	204,786	165,785			
Operating Expenses	120,068	129,683			
Depreciation	43,969	42,823			
Total Operating Expenses	368,824	338,291			
Operating Loss	(369,366)	(218,314)			
Nonoperating Revenues					
Interest on Investments	2,944	4,910			
Miscellaneous	240	5			
Total Nonoperating Revenues	3,184	4,915			
Net Loss	\$ (366,183)	\$ (213,399)			

Note: Reversal of year end accruals with no offsetting activity in the current year caused certain Revenues and Operating Expense to be negative.

# CITY OF ROANOKE, VIRGINIA PARKING FUND COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2003

	FY2004	FY 2003
Operating Revenues		
Century Station Garage	\$ 33,917	\$ 33,373
Williamson Road Garage	38,217	36,646
Gainsboro Surface	3,121	2,559
Norfolk Ave Surface	5,429	5,957
Market Square Garage	21,878	19,089
Church Ave Garage	40,583	41,923
Tower Garage	35,161	36,827
Williamson Road Surface Lot	8,333	5,493
Gainsboro Garage	4,990	3,024
Other Surface Lots	10,546	
Total Operating Revenues	202,175	184,891
Operating Expenses		
Operating Expenses	71,275	89,564
Depreciation	45,304	45,424
Total Operating Expenses	116,579	134,988
Operating Income	85,596	49,903
Nonoperating Revenues (Expenses)		
Interest on Investments	-	1,443
Interest and Fiscal Charges	(47,572)	(37,166)
Miscellaneous		140
Net Nonoperating Expenses	(47,572)	(35,583)
Net Income	\$ 38,024	\$ 14,320

# CITY OF ROANOKE, VIRGINIA MARKET BUILDING FUND INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2003

	FY 2004
Operating Revenues	
Retail Space Rental	\$ 24,508
Total Operating Revenues	24,508
Operating Expenses	
Operating Expense Depreciation	23,112 633
Total Operating Expenses	23,745
Operating Income	763
Nonoperating Revenues	
Interest on Investments	220
Total Nonoperating Revenues	220
Net Income	\$ 983

# CITY OF ROANOKE, VIRGINIA HOTEL ROANOKE CONFERENCE CENTER COMMISSION COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2003

	F	Y2004	FY2003		
Operating Expenses					
Salaries and Fringe Benefits	\$	7,957	\$	10,263	
Fees for Professional Services		2,257		-	
Administrative Expenses		53		328	
Total Operating Expenses		10,267	•••	10,591	
Nonoperating Revenues					
Contributions from City of Roanoke		25,000		31,250	
Contributions from Virginia Tech		25,000		31,250	
Interest on Investments		2,761		6,639	
Net Nonoperating Revenues		52,761		69,139	
Net Income Before Depreciation		42,494		58,548	
Depreciation Expense		(42,603)		(42,603)	
Net Income (Loss)	\$	(109)	\$	15,945	

Note: Financial information represents activity of the Commission as accounted for in the City's financial records.

#### CITY OF ROANOKE, VIRGINIA

CITY TREASURER'S OFFICE GENERAL STATEMENT OF ACCOUNTABILITY FOR THE MONTH ENDED JULY 31, 2003

#### TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED JULY 31, 2003

	BALANCE AT			BALANCE AT	BALANCE AT
FUND	JUNE 30, 2003	RECEIPTS	DISBURSEMENTS	JULY 31, 2003	JULY 31, 2002
GENERAL	\$6,892,845.04	\$10,481,664.85	\$9,538,931.62	\$7,835,578.27	\$17,012,647.91
WATER	4,501,628.33	564,641.13	2,249,960.29	2,816,309.17	8,026,021.78
WATER POLLUTION CONTROL	8,408,010.48	2,709,239.26	2,840,009.62	8,277,240.12	9,093,887.99
CIVIC FACILITIES	1,526,852.51	544,188.40	121,581.59	1,949,459.32	4,358,160.87
PARKING	572,878.14	202,176.36	3,485,949.76	(2,710,895.26)	88,562.91
CAPITAL PROJECTS	53,610,889.15	226,312.41	1,640,823.29	52,196,378.27	61,613,946.35
MARKET BUILDING OPERATIONS	296,182.81	25,507.73	26,057.90	295,632.64	0.00
CONFERENCE CENTER	3,879,267.63	31,489.93	7,342.28	3,903,415.28	4,238,344.45
RKE VALLEY DETENTION COMM	0.00	0.00	0.00	0.00	2,606.00
DEBT SERVICE	14,423,091.49	3,428,649.81	9,089,830.21	8,761,911.09	5,119,930.57
DEPT OF TECHNOLOGY	5,153,797.52	440,096.56	1,588,309.14	4,005,584.94	5,740,697.82
FLEET MANAGEMENT	1,340,203.72	497,131.52	476,723.95	1,360,611.29	249,175.72
PAYROLL	(3,381,888.50)	6,129,145.31	15,006,398.40	(12,259,141.59)	(11,122,655.55)
RISK MANAGEMENT	12,054,524.39	754,390.76	818,588.83	11,990,326.32	12,098,628.81
PENSION	607,069.63	405,918.88	74,329.09	938,659.42	884,261.25
SCHOOL FUND	11,497,911.18	4,621,194.69	8,421,341.86	7,697,764.01	7,241,669.76
SCHOOL CAPITAL PROJECTS	9,086,290.44	0.00	648,910.48	8,437,379.96	7,137,751.42
SCHOOL FOOD SERVICE	526,718.85	94,324.63	158,501.64	462,541.84	293,747.48
FDETC	62,450.58	16,879.63	37,347.49	41,982.72	125,472.62
GRANT	685,645.27	254,255.29	853,982.76	85,917.80	315,615.34
TOTAL	\$131,744,368.66	\$31,427,207.15	\$57,084,920.20	\$106,086,655.61	\$132,518,473.50

#### CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED JULY 31, 2003. THAT SAID FOREGOING:

CASH IN HAND	\$4,452.40
CASH IN BANK	949,227.68
INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:	
COMMERCIAL HIGH PERFORMANCE MONEY MARKET	7,263,381.50
LOCAL GOVERNMENT INVESTMENT POOL	22,853,467.46
MONEY MANAGEMENT ACCOUNT	10,410,924.58
REPURCHASE AGREEMENTS	15,000,000.00
U. S. AGENCIES	13,024,375.00
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	36,580,826.99
TOTAL	\$106,086,655.61

**DATE: AUGUST 19, 2003** 

DAVID C. ANDERSON, TREASURER

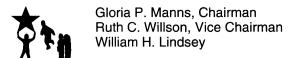
#### CITY OF ROANOKE PENSION PLAN STATEMENT OF CHANGES IN PLAN NET ASSETS FOR THE MONTH ENDED JULY 31, 2003

	FY 2004		FY 2003	
Additions:			•	
Employer Contributions	\$	106,772	\$	116,241
Investment Income				
Net Appreciation (Depreciation) in Fair Value of Investments		207,462		(15,641,278)
Interest and Dividend Income		(150,018)		(245,380)
Total Investment Income (Loss)		57,444		(15,886,658)
Less Investment Expense		(101,270)		(81,353)
Net Investment Income (Loss)		158,714		(15,805,305)
Total Additions (Deductions)	\$	265,486	\$	(15,689,064)
Deductions  Benefits Paid to Participants	\$	1,470,935	\$	1,367,294
Administrative Expenses	•	(9,913)	*	9,313
Total Deductions		1,461,022		1,376,607
Net Increase (Decrease)		(1,195,536)		(17,065,671)
Net Assets Held in Trust for Pension Benefits:				
Fund Balance July 1		283,983,057		289,534,315
Fund Balance July 31		282,787,521		\$272,468,644

Note: Negative amounts reflect the reversal of accrual accounting entries made for fiscal year-end financial reporting purposes.

## CITY OF ROANOKE PENSION PLAN BALANCE SHEET JULY 31, 2003

	FY 2004	FY 2003	
<u>Assets</u>			
Cash Investments, at Fair Value Due from Other Funds Other Assets  Total Assets	\$ 938,559 283,079,554 234,305 6,150 \$ 284,258,568	\$ 857,116 272,991,282 495 5,785 <b>\$ 273,854,678</b>	
Liabilities and Fund Balance			
Liabilities:			
Due to Other Funds Accounts Payable	\$ 1,471,012 35	\$ 1,377,770 8,264	
Total Liabilities	1,471,047	1,386,034	
Fund Balance:			
Fund Balance, July 1 Net Gain (Loss) - Year to Date	283,983,057 (1,195,536)	289,534,315 (17,065,671)	
Total Fund Balance	282,787,521	272,468,644	
Total Liabilities and Fund Balance	\$ 284,258,568	\$ 273,854,678	



Melinda J. Payne Robert J. Sparrow Kathy G. Stockburger David B. Trinkle, M.D. E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

-Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

September 15, 2003

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its September 9 meeting, the Board respectfully requests City Council to approve the following appropriations and transfers:

- \$166,770.00 in a supplemental appropriation for school transportation charges. The monies will fully fund the cost of transporting pupils for No Child Left Behind programs.
- \$1,102,554.00 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide monies for instructional and administrative technology requests, school bus replacement, facility maintenance and custodial equipment requirements, district-wide furniture replacement, grounds services equipment, facility maintenance vehicle replacement, the purchase of video surveillance systems, and the repair of a roof.
- \$50,000.00 for the Comprehensive School Reform grant program at Noel Taylor Learning Academy. Taylor Learning Academy will implement a basic skills program which includes staff development and remedial skills instruction. The continuing program is one hundred percent reimbursed by federal funds.
- \$67,092.00 for the Governor's School program to provide instruction in science and math to high school students. The continuing program will be supported by State funds and tuition collected from participating school districts.
- \$14,000.00 for the Instructional Support Team Project to provide services for children with disabilities at Fallon Park Elementary School. The continuing grant program is funded with federal funds.

Discovering	ı the	Weal	lth in	ΑII	Children
D 13 C O T C 1 11 1 C	, ,,,,	** ~ ~		/ 111	

Members of Council Page 2 September 15, 2003

• \$1,981.00 for the Special Education Assistive Technology program to purchase equipment and software to assist students with disabilities. This continuing program is one hundred percent reimbursed by federal funds.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

Cinhytt. Lee

re

cc: Mrs. Gloria P. Manns

Dr. E. Wayne Harris Mr. Richard L. Kelley

Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Jim Wells (with accounting

HORNER COLD IN THE SERVICE OF THE EXPLICATION OF THE PROPERTY OF THE PROPERTY

Details)



JESSE A. HALL
Director of Finance
email: jesse\_hall@ci.roanoke.va.us
September 15, 2003

## CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor The Honorable C. Nelson Harris, Vice Mayor The Honorable William D. Bestpitch, Council Member The Honorable M. Rupert Cutler, Council Member

The Honorable Alfred T. Dowe, Jr., Council Member

The Honorable Beverly T. Fitzpatrick, Jr., Council Member

The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. The accompanying budget ordinance will appropriate the following:

- \$166,770 in a supplemental appropriation for school transportation charges. The monies will fully fund the cost of transporting pupils for No Child Left Behind programs. Additional revenues are expected from transportation charges.
- \$1,102,554 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide monies for instructional and administrative technology requests, school bus replacement, facility maintenance and custodial equipment requirements, district-wide furniture replacement, grounds services equipment, facility maintenance vehicle replacement, the purchase of video surveillance systems, and the repair of a roof.
- \$50,000 for the Comprehensive School Reform grant program at Noel Taylor Learning Academy. Taylor Learning Academy will implement a basic skills program which includes staff development and remedial skills instruction. The continuing program is one hundred percent reimbursed by federal funds.
- \$67,092 for the Governor's School program to provide instruction in science and math to high school students. The continuing program will be supported by State funds and tuition collected from participating school districts.
- \$14,000 for the Instructional Support Team Project to provide services for children with disabilities at Fallon Park Elementary School. The continuing grant program is funded with federal funds.

Honorable Mayor and Members Of City Council September 15, 2003

• \$1,981 for the Special Education Assistive Technology program to purchase equipment and software to assist students with disabilities. This continuing program is one hundred percent reimbursed by federal funds.

We recommend that City Council concur with the request of the School Board and adopt the accompanying budget ordinance.

Respectfully submitted:

lone A. Hall

Jesse A. Hall

Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Mary F. Parker, City Clerk

E. Wayne Harris, Superintendent of City Schools



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 School Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

#### **Appropriations**

Education			\$ 157,754,397
Transportation (1-4)	•••••		4,449,939
	•••••		3,165,260
Comprehensive School Reform	m – Taylor Learning Academy	(13-22)	50,000
Governor's School 2004 (23-3	34)		1,459,500
Instructional Support Team -	Fallon Park (35)		14,000
Special Education Assistive To	echnology (36)		1,981
·	33 ( )		.,001
Revenues			
Education			\$ 153,138,360
			2,271,378
Comprehensive School Reform	m – Taylor Learning Academy	/38)	50,000
Governor's School 2004 (39)	Taylor Ecarring Academy	(30)	· ·
Instructional Support Team —	Fallon Park (40)	• • • • • • • • • • • • • • • • • • • •	1,459,500
Special Education Assistive To	echnology (41)	• • • • • • • • • • • • • • • • • • • •	14,000
opoolal Education Assistive 10	ecimology (41)	••••••	1,981
Fund Balance			
Reserved for CMERP – Schools	s (42)		1,204,330
A) Unit			
1) Uniform Rental	(030-065-6003-6675-0371)	\$ 9,343	
2) Compensation of	(000 007 0000 0000		
Bus Drivers	(030-065-6003-6676-0171)	122,473	
3) Social Security	(030-065-6003-6676-0201)	9,954	
4) Vehicle Fuel	(030-665-6003-6676-0609)	25,000	

MINI P. J. P. MINI C. C. I.

5)	Data Processing		
,	Equipment	(030-065-6006-6302-0806)\$	388,885
6)	Replacement of		,
,	School Buses	(030-065-6006-6676-0808)	251,875
7)	Additions – Machinery	(**************************************	,,
. ,	and Equipment	(030-065-6006-6681-0821)	50,691
8)	Site-Based Furniture	(030-065-6006-6681-0822)	16,897
	Additions – Other	(333 333 333 333 3322)	. 0,001
0,	Capital Outlay	(030-065-6006-6682-0829)	13,000
10)	Replacement – Motor	(000 000 0000 0002 0020)	10,000
10)	Vehicles	(030-065-6006-6684-0804)	164,856
11)	Additions – Machinery	(000 000 0000 0004 0004)	10-1,000
'''	and Equipment	(030-065-6006-6685-0821)	199,950
12\	Replacement – Other	(030-003-0000-0003-0021)	199,900
12)	Capital Outlay	(030-065-6006-6896-0809)	16,400
13)	Substitute Teachers	(030-063-6116-6100-0021)	9,600
	Teacher Stipends	•	2,787
	•	(030-063-6116-6100-0129)	2,767
	Social Security	(030-063-6116-6100-0201)	
	Staff Travel	(030-063-6116-6100-0551)	2,500
	Evaluation Services  Professional Development	(030-063-6116-6100-0584)	3,775
	Professional Development	(030-063-6116-6100-0585)	14,000
	School Reform Model	(030-063-6116-6100-0586)	10,625
	Other Charges	(030-063-6116-6100-0587)	1,500
	Administrative Supplies	(030-063-6116-6100-0601)	1,500
	Instructional Supplies	(030-063-6116-6100-0614)	3,500
	Conference Travel	(030-062-6334-6146-0554)	775
	Field Trips	(030-062-6334-6146-0583)	( 800)
,	Software	(030-062-6334-6146-0614)	13,000
	Conference Travel	(030-062-6334-6319-0554)	700
	Administrative Services	(030-062-6334-6319-0601)	(1,500)
28)	Temporary Clerical	(000 000 0004 0040 0454)	
00)	Support	(030-062-6334-6346-0151)	305
	Temporary Services	(030-062-6334-6346-0321)	( 495)
	Service Contracts	(030-062-6334-6346-0332)	2,000
	Library Materials	(030-062-6334-6346-0613)	( 107)
,	Instructional Supplies	(030-062-6334-6346-0614)	26,630
	Equipment	(030-062-6334-6346-0821)	30,584
	Maintenance Supplies	(030-062-6334-6681-0608)	(4,000)
	Purchased Services	(030-062-6594-6029-0121)	14,000
	Equipment	(030-062-6595-6129-0821)	1,981
37)	Transportation Charges	(030-060-6000-0810)	166,770
	Federal Grant Receipts	(030-063-6116-1102)	50,000
	Local Match	(030-062-6334-1101)	67,092
	Federal Grant Receipts	(030-062-6594-1102)	14,000
41)	Federal Grant Receipts	(030-062-6595-1102)	1,981

42) Reserved for CMERP – Schools

(030-3324)

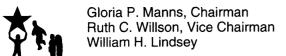
\$ (1,102,554)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CORRECT TO A CASE ...



Melinda J. Payne Robert J. Sparrow Kathy G. Stockburger David B. Trinkle, M.D. E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

-Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

September 15, 2003

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on September 9, the Board approved the attached resolution to participate in the 2003 Interest Rate Subsidy Program Bond Sale – VPSA School financing Bonds (1997 Resolution) Series 2003 C. The proceeds of the bond issue will be used in lieu of the Literary Fund loans approved by the State for Roanoke Academy for Mathematics and Science project. The School Board will pay the debt service on the VPSA Interest Rate Subsidy Bond Issue.

The use of the bond issue provides:

- An interest rate of 4%--the same as the Literary Fund loan rate.
- The debt will not count against the \$20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2004-05 fiscal year.

Roanoke City Council is requested to approve a resolution indicating that Roanoke City desires to participate in the VPSA bond issue. No further action is required of the City at this time. If the application is approved by the VPSA board, Council will be requested to conduct a public hearing and perform any other procedural matters that may be required for participation in the VPSA bond issue.

Members of Council Page 2 September 15, 2003

The Roanoke City School Board appreciates the assistance of the City Administration in preparing the necessary resolution and documents required for participation in the VPSA bond issue.

Sincerely,

Cindy H. Lee

Clerk of the Board

re

Enc.

cc: Mrs. Gloria P. Manns

Dr. E. Wayne Harris Mr. Richard L. Kelley

Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Gloria P. Manns, Chairman Ruth C. Willson, Vice Chairman William H. Lindsey Melinda J. Payne Robert J. Sparrow Kathy G. Stockburger David B. Trinkle, M.D. E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

September 9, 2003
RESOLUTION REQUESTING THE CITY COUNCIL
OF THE CITY OF ROANOKE, VIRGINIA
TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL
PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF

#### BE IT RESOLVED,

- The School Board of the City of Roanoke, Virginia hereby (i) approves the construction of a new building for the Roanoke Academy for Mathematics and Science at an estimated cost of \$5,000,000 (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking interest rate subsidy bond financing in an amount not to exceed \$5,000,000, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed \$5,000,000, for the purpose of financing a portion of the cost of the Project.
- 2) This resolution shall take effect immediately by the following recorded vote:

	Yea	Nay
Gloria P. Manns, Chairman		-
Ruth C. Willson, Vice-Chairman		
William H. Lindsey		
Melinda J. Payne		
Robert J. Sparrow	-	
Kathy G. Stockburger David B. Trinkle		-
David D. Hillkie		

The undersigned Clerk of the School Board of the City of Roanoke, Virginia hereby certified that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the 9<sup>th</sup> day of September, 2003.

-Discovering the Wealth in All Children -

	WITNESS, my signature and seal of the School Board of the City of Roanoke, Virginia, thisday of September, 2003.
(SEAL	_)
	Clerk, School Board of City of Roanoke, Virginia

.



## JESSE A. HALL Director of Finance email: jesse\_hall@ci.roanoke.va.us

## CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

**September 15, 2003** 

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: VPSA Bonds - Roanoke Academy for Mathematics and Science

City Council has previously appropriated a \$5.0 million Literary Fund loan to the Roanoke Academy for Mathematics and Science project. The attached recommendation from the School Board requests Council's approval of a resolution authorizing issuance of VPSA bonds in lieu of the Literary Fund loan. This is necessary since Literary Funds are not available at this time. As cited in the attached recommendation, this bond provides an equivalent interest rate as the Literary Fund. We concur in this request of the School Board.

Respectfully submitted,

Jesse A. Hall Director of Finance

**Attachments** 

cc: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney

Mary F. Parker, City Clerk

E. Wayne Harris, Superintendent of City Schools

# September 9, 2003 RESOLUTION REQUESTING THE CITY COUNCIL OF THE CITY OF ROANOKE, VIRGINIA TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF

#### BE IT RESOLVED,

- The School Board of the City of Roanoke, Virginia hereby (i) approves the construction of a new building for the Roanoke Academy for Mathematics and Science at an estimated cost of \$5,000,000 (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking interest rate subsidy bond financing in an amount not to exceed \$5,000,000, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed \$5,000,000, for the purpose of financing a portion of the cost of the Project.
- 2) This resolution shall take effect immediately by the following recorded vote:

	Yea	Nay
Gloria P. Manns, Chairman		
Ruth C. Willson, Vice-Chairman		
William H. Lindsey		
Melinda J. Payne		
Robert J. Sparrow		
Kathy G. Stockburger		
David B. Trinkle		

The undersigned Clerk of the School Board of the City of Roanoke, Virginia hereby certified that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the 9<sup>th</sup> day of September, 2003.

		S, my signatur .oanoke, Virgin					
(SEA	L)						
		Clerk, School	Board of	City of I	Roanoke,	Virginia	

Hilling 1 + +1

#### September 15, 2003

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on September 9, the Board approved the attached resolution to participate in the 2003 Interest Rate Subsidy Program Bond Sale – VPSA School financing Bonds (1997 Resolution) Series 2003 C. The proceeds of the bond issue will be used in lieu of the Literary Fund loans approved by the State for Roanoke Academy for Mathematics and Science project. The School Board will pay the debt service on the VPSA Interest Rate Subsidy Bond Issue.

The use of the bond issue provides:

- An interest rate of 4%--the same as the Literary Fund loan rate.
- The debt will not count against the \$20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2004-05 fiscal year.

Roanoke City Council is requested to approve a resolution indicating that Roanoke City desires to participate in the VPSA bond issue. No further action is required of the City at this time. If the application is approved by the VPSA board, Council will be requested to conduct a public hearing and perform any other procedural matters that may be required for participation in the VPSA bond issue.

Members of Council Page 2 September 15, 2003

The Roanoke City School Board appreciates the assistance of the City Administration in preparing the necessary resolution and documents required for participation in the VPSA bond issue.

Sincerely,

Cindy H. Lee Clerk of the Board

re

Enc.

cc: Mrs. Gloria P. Manns Dr. E. Wayne Harris

Mr. Richard L. Kelley Mr. Kenneth F. Mundy Mrs. Darlene Burcham Mr. William M. Hackworth

Mr. Jesse A. Hall

NHW

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing and directing the City Manager to file an application with

the Virginia Public School Authority seeking bond financing in an amount estimated not to

exceed \$5,000,000.00 to finance the replacement of the existing school building at Roanoke

Academy for Mathematics and Science, previously approved pursuant to Resolutions No. 35439-

070201 and No. 35440-070201, adopted by the Council at its July 2, 2001, meeting.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager or the Assistant City Manager is hereby authorized and

directed to file an application with the Virginia Public School Authority for bond financing in an

amount estimated not to exceed \$5,000,000.00 (the "Bonds") to finance the replacement of the

existing school building at Roanoke Academy for Mathematics and Science.

2. The City Clerk is hereby authorized and directed to publish in accordance with

applicable law a public notice of public hearing in connection with the proposed Bonds to be

held on October 6, 2003, at 2:00 p.m..

ATTEST:

City Clerk

RKE# 0826041.WPD-1. 077826-00033-01

some to the second

The undersigned Clerk of the City of Roanoke, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on September 15, 2003, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify (a) that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present, and (b) that the attendance of the members and voting on the foregoing resolution was as follows:

	Present	Absent	Aye	Nay	Abstain
Ralph K. Smith, Mayor			<del></del>		
C. Nelson Harris, Vice Mayor	Accessed a service of the Miller and the	<del></del>			
William D. Bestpitch					
M. Rupert Cutler					
Alfred T. Dowe, Jr.	-	*			
Beverly T. Fitzpatrick, Jr.	<del></del>				<del></del>
Lynda F. Wyatt					

WITNESS MY HAND and the seal of the City of Roanoke, Virginia, this \_\_\_\_ day of September, 2003

Clerk, City of Roanoke, Virginia

RKE# 0826041.WPD-1, 077826-00033-01

# CONTROL OF THE PARTY OF THE PAR

Architectural Review Board Board of Zoning Appeals Planning Commission

### CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us
September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from Kermit and Dorothy Shriver that an alley lying

between parcels bearing Official Tax Nos. 4041901, 4041902, 4041903, 4041904, be permanently vacated,

discontinued and closed.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 7-0, the Commission recommended that City Council approve the closure request.

#### Background:

The petitioner requests closure of an alley lying between four of their parcels. The petitioner purchased the adjoining properties from Carilion Health System in 1997.

The adjoining properties were rezoned from RS-3, Residential Single Family Residential District, to C-1, Office and Institutional District, subject to certain conditions on January 25, 1982 by Ordinance Number 25889. Those conditions limit the future use of the property to "housing and parking for medical residents and students."

Mr. Rife asked the petitioner if he agreed to pay the price listed in the report for the alley, to which the petitioner affirmed he was. Mr. Manetta inquired of staff as to who determined the value of the alley. Staff replied that the Department of Real Estate Valuation determined the price per square foot. Mr.

Manetta then raised the issue of the value of the property, stating that it seemed too low and had a greater contributory value.

Mr. Chrisman said that Real Estate Valuation staff only consider one parcel or piece of property at a time. Mr. Manetta said that in general the values that are submitted for right-of-way and alley closures do not reflect true market value, and that petitioners should pay a contributory market value price.

The petitioner stated the alley does not add any development potential to his property.

#### Considerations:

The unimproved alley requested for closure lies between Official Tax Map Numbers 4041901 – 4041904 inclusively. The alley is approximately 150 feet long and 20 feet wide, or 3,000 square feet. The petitioner owns all of these parcels, and in addition owns parcels on Official Tax Map Numbers 4041905 – 4041907 inclusively.

As stated previously, the petitioner's properties are all zoned C-1, Office District, as are the properties immediately to the south of the subject alley. The western side of Belleview Avenue is zoned RM-2, Residential Multi Family, Medium Density. The northern side of Thyme Street, which encompasses properties fronting on Linden Street, is zoned RS-3, Residential Single Family, High Density District. Parcels to the south and east of the subject alley are vacant and lie on a steep uphill grade. Residential properties lie to the north and west of the alley. The petitioner's property at Official Tax Map Number 4041902 is a triplex with rental units.

The alley is currently partially paved off of Thyme Street. The petitioner uses it for ingress and egress to a parking lot, and an accessory structure covers a portion of the southeastern corner of the alley. Thyme Street is only improved for approximately 100 feet southeast of the alley.

Staff received comments from AEP, Roanoke Gas, and Verizon, all of which stated they have no facilities in the alley and no opposition to the request. Staff received comments from the Water Division of the Department of Public Works, who stated no sewer or water facilities are associated with the alley. Staff also received comments from the Traffic Engineer who did not object to the request.

The Department of Real Estate Valuation assessed the value of the subject alley as \$750, based on C-1 zoning at a rate of .25 per square foot.

Staff did not receive any other comments in support of or in opposition to the requested closure.

Vacation of the subject alley would allow the petitioner to combine all seven of their adjoining parcels into one totaling approximately 51,800 square feet. As all the adjoining properties are zoned C-1, the alley increases the development potential of the petitioner's property. While the proffered conditions currently on the adjoining parcels limit the petitioner's future development potential at present, an amendment of proffered conditions petition could be filed to remove or modify the proffers. The petitioner has not stated any intentions of developing the site further.

#### Recommendation:

Planning Commission recommends that City Council approve the petitioner's request, subject to the conditions listed below. Staff recommends that the petitioner be charged a price of \$750 for the alley.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine Official Tax Map Numbers 1220415 and 1220416 and the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Robert B. Manetta, Chairman

City of Roanoke Planning Commission

CC:

Darlene L. Burcham, City Manager Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

Petitioner

Process DU. Sun D

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Application of Kermit & Dorothy Shriver For vacation of alley off Thyme Street.

APPLICATION FOR VACATING, DISCONTINUING AND CLOSING OF ALLEY

#### MEMBERS OF COUNCIL:

Kermit Shriver applies to have the above alley, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This alley is more particularly described on the map attached and as follows:

Alley off Thyme Street at the rear of Lots 4,5,6 (Tax No. 4041901, 4041902 & 4041903 and the side of Lot 4041904 on Thyme Street.

Kermit Shriver states that the grounds for this application are as follows:

- (1) 4/7/82 Roanoke Memorial received permission to grade over said alley for a parking lot behind residence house at 1606 Belleview Ave.

  They (Roanoke Memorial) were to pursue the closing at that time. See attached letter.
  - (2) I purchased said property from Carilion on 3/16/97.
  - (3) I am the sole adjoining property owner.
  - (4) The property has been maintained by myself ever since it was purchased.
  - (5) The old alley only constitutes ¼ of the parking lot.
  - (6) See attached map for details.

Wherefore, Kermit Shriver, respectfully requests that above-described alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Kermit Shriver 1318 Clarke Ave Roanoke, Va. 24016 (540) 342-6222

Respectfully submitted

daté

date

#### Adjoining Property Owners

Tax Map No.		Property Owner	Mailing Address
4041901		Kermit & Dorothy Shriver	1318 Clarke Ave, SW
	*.	•	Roanoke, VA 24016
4041902		Kermit & Dorothy Shriver	1318 Clarke Ave, SW
			Roanoke, VA 24016
4041903		Kermit & Dorothy Shriver	1318 Clarke Ave, SW
	,		Roanoke, VA 24016
4041904		Kermit & Dorothy Shriver	1318 Clarke Ave, SW
			Roanoke, VA 24016

W. A. DICRIMADE CARMOLL D. REA WILDER L. WAZIEGROVE MICHAEL S. SELFEZE DANIÉL S. DECEM FRAME S. ANUNDERS LAWES F. DOUTHAT ALEANDES I SAUNDESS JOHN P. DROVE WILLIAM O. ELIOT SHIGHS O. CALIOT SHIGHS D. AND SEW TRUMAD T. PALWES

SUDLEY P. WODEY SIANGE 6, N. WILCON A. CANTER MAGES, JR.

11/22/02 22:54 FAX

Received Fax : MIN 77 2002 17:17rm Fax Station : DAVID A. BHSS 1.1.C.

LAW OFFICES

HAZLEGBOVE, DICHINSON, REA, SMELTZER & BROWN

1200 FIRST NOTIONAL EXCHANGE BANE BUILDING

P. O. Res 1216

ROANOXX, VIRCINIA 24000-1218

17031 989-1544

April 7, 1982

٨.

Roanoke Hospital Association P. O. Box 13367 Roanoke, Virginia 24033

Attention: Mr. Thomas Robertson

Closing of alley parallel to Belleview Avenue in rear

of resident housing

Gentlemen:

On March 30, 1982, Stu Franklin and the undersigned met first with Bain Reid of the City of Roanoke Building Office, who referred us to Richard Burrow, City Engineer, regarding plans for parking in rear of the residents' housing on Belleview Avenue. A map of the Official Tax Appraisal along with an overlay of the proposed improvements were presented.

Basically, the request was made to permit the hospital's paving and improvement of the area encompassed by the "paper" alley without seeking an official closing of the alley as provided by the State Code involving hearings before the Planning Commission and City Council, with the understanding at some indefinite time the hospital would take such action as necessary for official closing. It was pointed out to Burrow that no structures would be erected over the alley area but grading and paving along with plantings would be done. The reply after reviewing the map and overlay was that the hospital would in effect be improving City property and no objection was raised as to this procedure.

The result of this short meeting was that the City Engineer saw no problem with our proceeding with parking and paving as described in the overlay map. Nothing in writing was suggested

Fax Station : DAVID A. RESS. L.L.C.

11/22/02 22:54 FAX

Received Fax : NOV 77 7002 12:12Ph

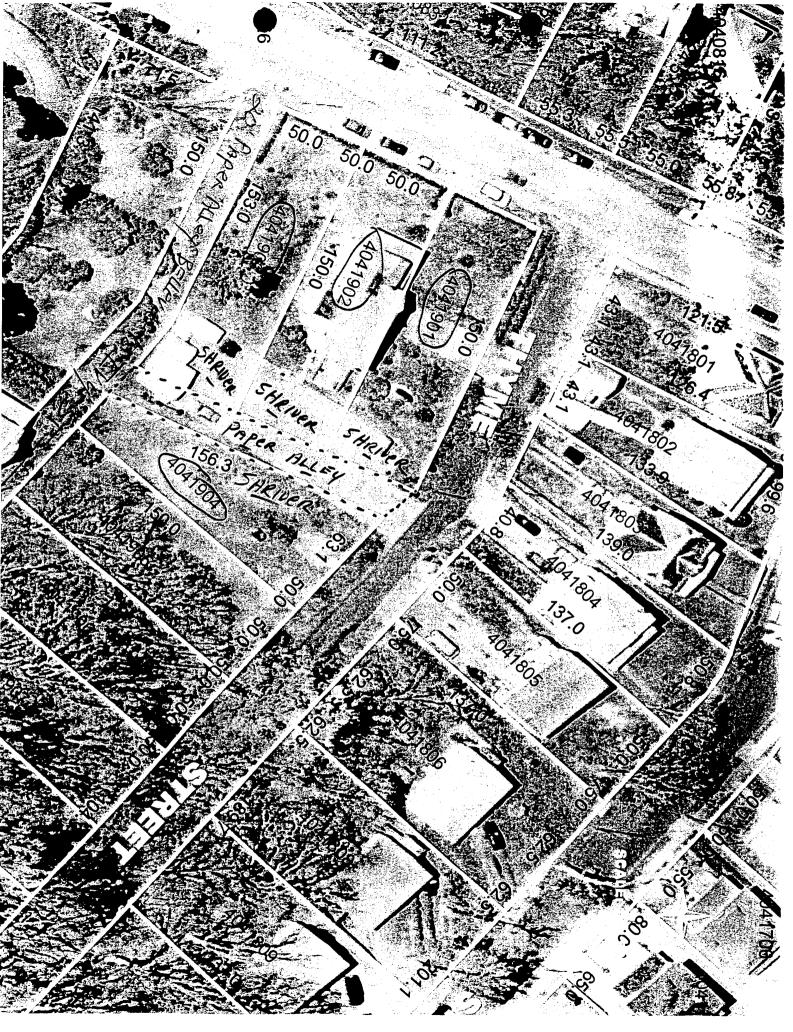
@102

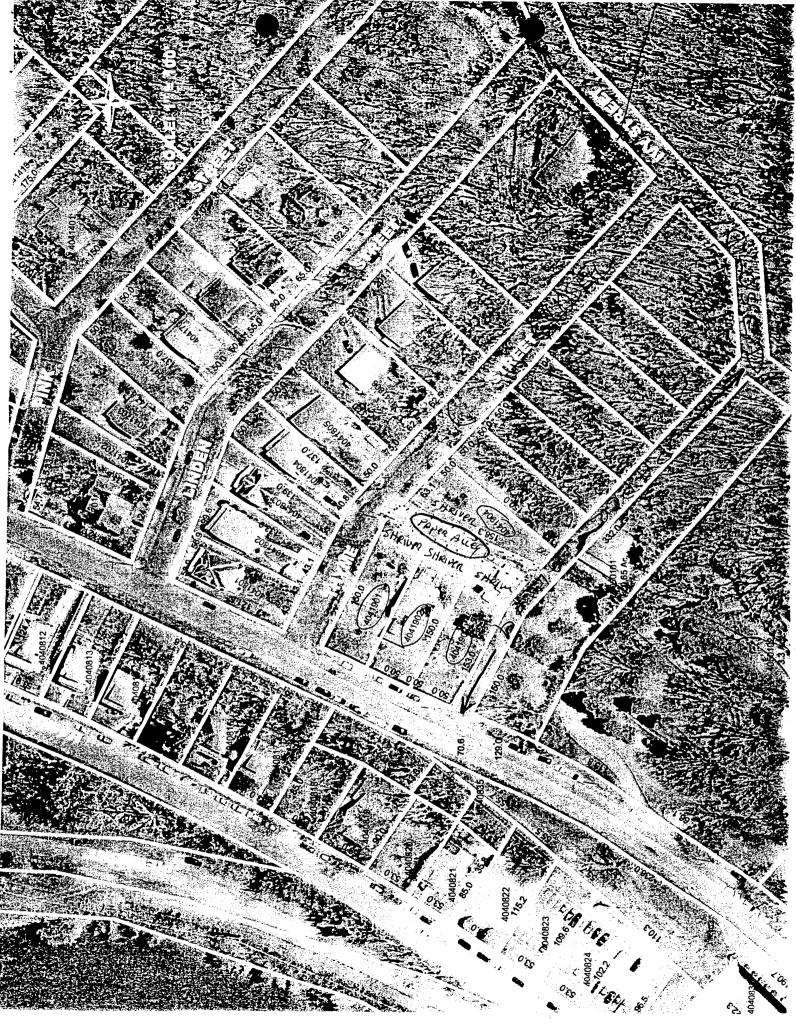
Roznoke Hospital Association Page 2 April 7, 1982

either from us or from the City, and my impression was that nothing further would be required for the hospital to proceed, with the provision that in the future a closing would be undertaken.

Very truly yours,

FRANK K. SAUNDERS





## Thyme St, SE 4041705 4041706 LINDEN ST SK Subject I Alley



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

WHEREAS, Kermit and Dorothy Shriver filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on such application by the City Council on September 15, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience

will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of an alley lying between parcels bearing Official Tax Nos. 4041901, 4041902, 4041903 and 4041904

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or

other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such

H:\ORDINANCES\O-STCLOS-SHRIVER091503.WPD

ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 15, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from L & M Properties, LLC, that three tracts of land located on Wertz and Mississippi Avenues, N.E., designated as Official Tax Nos. 3130301, 3130504, and 3130312, be rezoned from HM, Heavy Manufacturing District, to LM, Light Manufacturing District, such rezoning to be subject to certain

conditions.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 7-0, the Commission recommended approval of the requested rezoning.

#### Background:

A Petition to Rezone was filed on July 1, 2003. A First Amended Petition to Rezone was filed on August 13, 2003. The area requested for rezoning totals 14.401 acres, more or less, and includes the site of the former Halmode Apparel Plant. The principal, one-story building on the site is 228,720 square feet, with a 55,750 square foot basement.

Conditions proffered by the petitioner are as follows:

The subject properties shall be used for only the following LM permitted uses:

- a. Trade and vocational schools of an industrial nature:
- b. Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.;
- c. Post offices:

- d. Laboratories and testing facilities not accessory to a specific use including photographic laboratories, industrial testing facilities and similar uses:
- e. General storage and warehousing establishments engaged in the storage of miscellaneous merchandise not for sale on the same premises;
- f. Mini-warehouses;
- g. Establishments engaged in the wholesale distribution of goods;
- h. Recycling establishments limited to the processing of paper and plastic products, glass, aluminum, food and beverage containers, oils and batteries, where all activities and storage are wholly enclosed in a building;
- i. Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products and including as an accessory use, the retail sale of goods manufactured on the premises, where all such manufacturing, assembly, mixing, processing or other processes related to the creation of new products, and retail sales of goods manufactured on the premises, are wholly enclosed in a building;
- j. Tractor trailer depots and repair facilities;
- k. Plant nurseries and greenhouses including those with retail sales on the premises;
- I. General services establishments primarily engaged in the repair or maintenance of goods or items including automobiles, trucks, construction equipment, and the provision of business services provided all repair and maintenance activities are wholly enclosed in a building and provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet;
- m. Establishments engaged in the retail sale of building or construction supplies and equipment provided the gross floor area of such buildings is not less than twenty thousand (20,000) square feet; and
- n. Commercial printing establishments which print newspapers, publications, and other materials.

#### Considerations:

The subject properties are generally bounded by Hollins Road, N.E., Pearl Avenue, N.E., the railroad tracks, Wertz Avenue, N.E., and Mississippi Avenue, N.E. The three subject parcels are currently zoned HM, Heavy Manufacturing District, and were most recently utilized for a distribution center by Halmode Apparel.

Surrounding zoning is residential and manufacturing.

- Tracts south and east of the subject properties are zoned RM-1, Residential Multi-Family, Low Density, and are developed residentially as single-family dwellings.
- Tracts to the west, on the other side of the railroad tracks, are zoned LM, Light Manufacturing, and include warehousing and light manufacturing facilities.
- Tracts to the north are zoned LM, Light Manufacturing, and HM, Heavy Manufacturing, and include warehousing, distribution facilities, vacant land, and nonconforming single-family residences.

The request to rezone the subject properties to LM, Light Manufacturing, is consistent with the following policies and recommended actions of **Vision 2001-2020**, the City's Comprehensive Plan:

- ED P5. Underutilized industrial sites will be evaluated and redevelopment encouraged.
- ED A18. Identify underutilized industrial sites and promote redevelopment as part of Roanoke's economic development strategy.

The petitioner proposes to market the subject properties for a distribution center, which under LM permitted uses would be an "establishment engaged in the wholesale distribution of goods." Because of limited vehicular access to the site from Hollins Road and surrounding single-family residential uses, staff advised the petitioner that some of the LM uses permitted by right and by special exception in the zoning ordinance would be inappropriate on the subject properties. The First Amended Petition limits the uses on the subject properties to 14 of the 27 LM permitted uses. The uses of the subject properties, as limited by proffer, narrow the parameters in a manner that the adjacent and surrounding residential neighborhoods are not compromised by impact of the land use and associated vehicular traffic.

The petition's request appropriately applies a light manufacturing designation, with conditions, to the subject properties. The down-zoning request represents an opportunity for reuse and revitalization of an old manufacturing property that has not been successful as a heavy manufacturing site.

Staff has received no letters in opposition to this petition.

During the Planning Commission public hearing, John H. Lipscomb, Managing Partner, L & M Properties, the petitioner, presented the request. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

Planning Commission discussion centered on the following issues:

 Regulations to protect the residential neighborhood from potential hazardous waste with some of the uses that would be permitted on the

- site (such as photo laboratories); state regulations and OSHA regulate storage and disposal of hazardous waste
- Traffic impact on Hollins Road; negligible difference in impact from potential uses of current HM zoning and requested LM
- Existence of a railroad spur for the site; currently out of commission but could be reactivated

#### Recommendation:

The Planning Commission recommends that City Council approve the request.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
John H. Lipscomb, L&M Properties, Petitioner

#### 1<sup>ST</sup> AMENDED PETITION TO REZONE

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Rezoning of three tracts of land located on Wertz Avenue, N.E. and Mississippi Avenue, N.E., containing 14.401 acres, more or less, identified as Roanoke City Tax Map Numbers 3130301 (13.965 acres), 3130504 (0.236 acre), and 3130312 (0.200 acre) from HM, Heavy Manufacturing to LM, Light Manufacturing, such rezoning to be subject to certain conditions.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, L & M Properties, L.L.C., is the owner of land in the city of Roanoke, located on Wertz Avenue, N.E. and Mississippi Avenue, N.E., containing 14.401 acres, more or less, designated Official Tax Map Numbers 3130301, 3130504, and 3130312. Said parcels are currently zoned as HM, Heavy Manufacturing District. A map of the properties to be rezoned is attached as Exhibit A. A concept plan is attached as Exhibit B.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said properties be rezoned from HM, Heavy Manufacturing to LM, Light Manufacturing, subject to certain conditions, for the purpose of encouraging the development of light manufacturing business.

The Petitioner believes that the rezoning of the said tract of land will further the intent and purposes of the City's zoning ordinance and its comprehensive plan, in that it will allow the revitalization of an area which has been unsuccessful as a heavy manufacturing area. Upon the completion of the rezoning, it is the intention of the owners to create a distribution center which will encourage the development of light manufacturing businesses.

The Petitioner hereby proffers and agrees that if the said properties are rezoned as requested, that the rezoning will be subject to, and that it will abide by, the following conditions:

The subject properties shall be used for only the following LM permitted uses:

- a. Trade and vocational schools of an industrial nature.
- b. Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.
- c. Post offices.
- d. Laboratories and testing facilities not accessory to a specific use including photographic laboratories, industrial testing facilities and similar uses.
- e. General storage and warehousing establishments engaged in the storage of miscellaneous merchandise not for sale on the same premises.
- f. Mini-warehouses.
- g. Establishments engaged in the wholesale distribution of goods.
- h. Recycling establishments limited to the processing of paper and plastic products, glass, aluminum, food and beverage containers, oils and batteries, where all activities and storage are wholly enclosed in a building.
- i. Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products and including as an accessory use, the retail sale of goods manufactured on the premises, where all such manufacturing, assembly, mixing, processing or other processes related to the creation of new products, and retail sales of goods manufactured on the premises, are wholly enclosed in a building.
- j. Tractor trailer depots and repair facilities.
- k. Plant nurseries and greenhouses including those with retail sales on the premises.
- I. General services establishments primarily engaged in the repair or maintenance of goods or items including automobiles, trucks, construction equipment and the provision of business services provided all repair and maintenance activities are wholly enclosed in a building and provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet.
- m. Establishments engaged in the retail sale of building or construction supplies and equipment provided the gross floor area of such buildings is not less than twenty thousand (20,000) square feet.
- n. Commercial printing establishments which print newspapers, publications, and other materials.

Attached as Exhibit C are the names, addresses, and tax numbers of the owner or owners of all lots or property immediately adjacent to or immediately across a street or road from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 7<sup>th</sup> day of August, 2003.

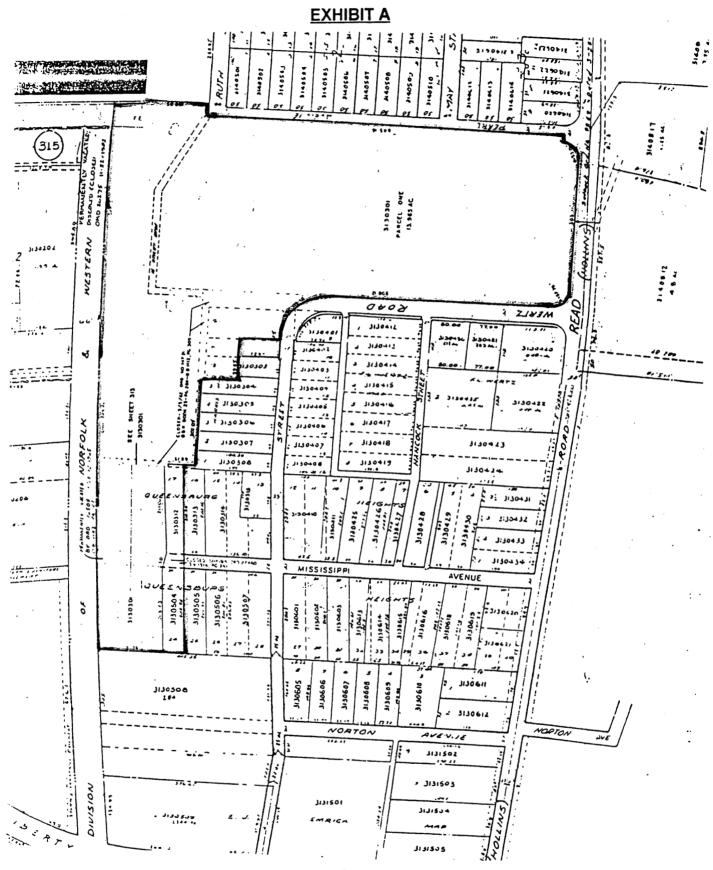
Respectfully submitted,

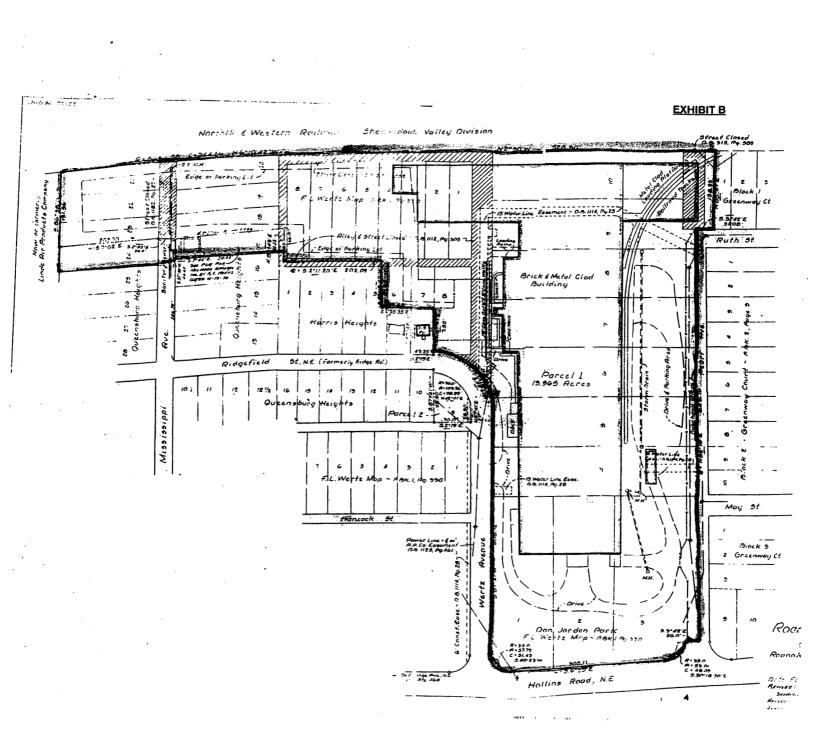
L & M Properties, L.L.C.

By:

John H. Lipscomb, Member

Managing Partner
L & M Properties
3330 Hollins Road, Northeast
Roanoke, Virginia 24012
540-563-9903





# **EXHIBIT C**

Name	<u>Address</u>	Tax Numbers
Petrolane Gas Service	Post Office Box 798-LOC #5460 Valley Forge, PA 19482	3130508
Ralph E. Kelley	717 Mississippi Avenue Roanoke, VA 24012	3130505
Pyrofax Gas Corporation	Post Office Box 1410 Long Beach, CA 90801	3130508A
Jeffrey W. Niday	718 Mississippi Avenue Roanoke, VA 24012	3130313
Daulton D. Patterson	2806 Ridgefield Street Roanoke, VA 24012	3130308
Daulton B. Patterson	2806 Ridgefield Street Roanoke, VA 24012	3130307
Daulton B. Patterson	2806 Ridgefield Street Roanoke, VA 24012	3130306
David R. and Karen B. Hedge	2814 Ridgefield Street Roanoke, VA 24012	3130305
David R. and Karen B. Hedge	2814 Ridgefield Street Roanoke, VA 24012	3130304
Russell L. and Barbara M. Carter	2817 Ridgefield Street Roanoke, VA 24012	3130404
Russell L. and Barbara M. Carter	2817 Ridgefield Street Roanoke, VA 24012	3130403
Russell L. and Barbara M. Carter	2817 Ridgefield Street Roanoke, VA 24012	3130402
Michelle Lynn Jarels	2828 Hancock Street Roanoke, VA 24012	3130412
Linda M. Fields	2825 Hancock Street Roanoke, VA 24012	3130436
Michael C. and Rita M. Parks	1617 Lovers Lane Vinton, VA 24179	3130421

# **EXHIBIT C (Continued)**

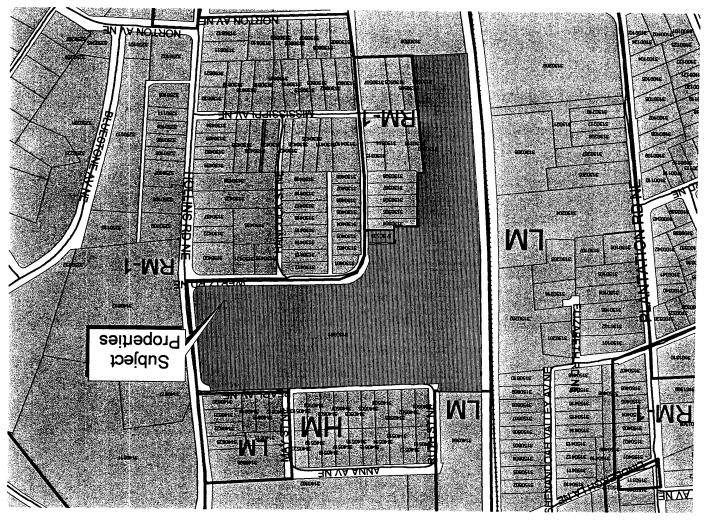
James O. and Phyllis Yeager	6501 Jubal Early Highway Hardy, VA 24101	3130420
Patrick E. Lynch	1207 Ninth Street Roanoke, VA 24013	4140501
William C. Johnson	1086 Blandford Avenue Vinton, VA 24179	4140502
Jacquelyn R. and Robert E. Divers	634 Fernwood Drive Salem, VA 24153	3140503
Robert E. Divers	634 Fernwood Drive Salem, VA 24153	3140504
Robert E. Divers	634 Fernwood Drive Salem, VA 24153	3140505
Robert E. Divers	634 Fernwood Drive Salem, VA 24153	3140506
Robert E. Divers	634 Fernwood Drive Salem, VA 24153	3140507
Roberts E. Divers	634 Fernwood Drive Salem, VA 24153	3140508
Robert E. Divers	634 Fernwood Drive Salem, VA 24153	3140509
Robert E. Divers	722 Pearl Avenue Roanoke, Virginia 24012	3140510
Star City Lumber, L.L.C.	3120 Hollins Road Roanoke, VA 24012	3140612
Star City Lumber, L.L.C.	3120 Hollins Road Roanoke, VA 24012	3140613
Star City Lumber, L.L.C.	3120 Hollins Road Roanoke, VA 24012	3140614
Star City Lumber, L.L.C.	3120 Hollins Road Roanoke, VA 24012	3140620
Roanoke Metal Hygiene	310 Elm Avenue Roanoke, VA 24016	3140817

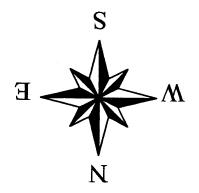
# **EXHIBIT C (Continued)**

RIAII, L.L.C.

Post Office Box 2143 Roanoke, VA 24009 3140301

# Wertz & Mississippi Ave, NE







#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No.313, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, L & M Properties, L.L.C., has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from HM, Heavy Manufacturing District, to LM, Light Manufacturing District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on September 15, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

H:\ORDINANCES\O-REZOL&MPROP091503.DOC

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

Three tracts of land located on Wertz Avenue, N.E. and Mississippi Avenue, N.E., consisting of 14.401 acres, more or less, and designated on Sheet No. 313 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax Nos. 3130301, 3130504 and 3130312, be, and are hereby rezoned from HM, Heavy Manufacturing District, to LM, Light Manufacturing District, subject to the proffers contained in the First Amended Petition filed in the Office of the City Clerk on August 13, 2003, and that Sheet No. 313 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\ORDINANCES\O-REZOL&MPROP091503.DOC

# ROMAN

Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 15, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from L & M Properties, LLC, that one tract of land

located at 2820 Ridgefield Street, N.E., identified as Official Tax Map Number 3130303, consisting of 0.1055 acre, more or less, be rezoned from HM, Heavy Manufacturing District,

to RM-1, Residential Multifamily, Low Density District.

#### **Planning Commission Action:**

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 7-0, the Commission recommended the rezoning request be approved.

#### Background:

The property that is the subject of the rezoning request is a 0.1055-acre lot located within the fence that encloses the site of the former Halmode Apparel Plant. The one-story, 750-square foot, wood frame residential structure located on the lot was built in 1925.

#### Considerations:

The subject property is bounded on the north and west (to the side and rear of the subject lot) by a site currently zoned HM, Heavy Manufacturing, and formerly utilized by Halmode Apparel. That site is the subject of a current petition to rezone from HM, Heavy Manufacturing, to LM, Light Manufacturing District. All properties directly to the south of the subject property fronting on Ridgefield Road are zoned RM-1, Residential Multifamily, Low Density District, and are developed residentially. Properties directly to the east on the opposite side of Ridgefield Road are also zoned RM-1 and are developed as single-family dwellings.

Allotte I to the case the second

The request to rezone the subject property to RM-1, Residential Multifamily, Low Density District, is consistent with the following policy of **Vision 2001-2020**, the City's Comprehensive Plan:

 NH P5. The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City.

Although the subject property is currently located within the fence enclosing the site of the former Halmode Apparel distribution center, it is a separate tract of land from the Halmode site. Rezoning of the subject property to RM-1 would make the residential structure conforming and allow for its improvement and viable utilization as a residential structure, the purpose for which it was originally constructed. The requested RM-1 zoning designation and single-family residential use would be consistent with the balance of the block in which the subject property is located.

Staff has received no letters in opposition to this petition.

During the Planning Commission public hearing, John H. Lipscomb, Managing Partner of L & M Properties, the petitioner, presented the request. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

#### Recommendation:

Given the potential for retaining and utilizing a viable residential structure adjacent to other residential properties, the Planning Commission recommends approval of the request to City Council.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
John H. Lipscomb, L & M Properties, Petitioner

#### **PETITION TO REZONE**

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Rezoning of one tract of land located at 2820 Ridgefield Avenue, N.E., identified as Roanoke City Tax Map Number 3130303, consisting of 0.1055 acre, more or less, from HM, Heavy Manufacturing to RM-1, Residential Multifamily, Low Density.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, L & M Properties, L.L.C., is the owner of land in the city of Roanoke, Virginia, containing 0.1055 acre, more or less, located at 2820 Ridgefield Avenue, N.E., and being Tax Map Number 3130303. Said parcel is currently zoned HM, Heavy Manufacturing District. A map of the property to be rezoned is attached as Exhibit A. A concept plan is attached as Exhibit B.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from HM, Heavy Manufacturing District, to RM-1, Residential Multifamily, Low Density District, for the purpose of residential use of the existing structure adjacent to other residential uses.

The Petitioner believes that the rezoning of the said tract of land will further the intent and purposes of the City's zoning ordinance and its comprehensive plan, in that it will allow the property to be used for the purpose for which the single family residential structure was originally intended.

Attached as Exhibit C are the names, addresses, and tax numbers of the owner or owners of all lots or property immediately adjacent to or immediately across a street or road from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 1st day of July, 2003.

Respectfully submitted,

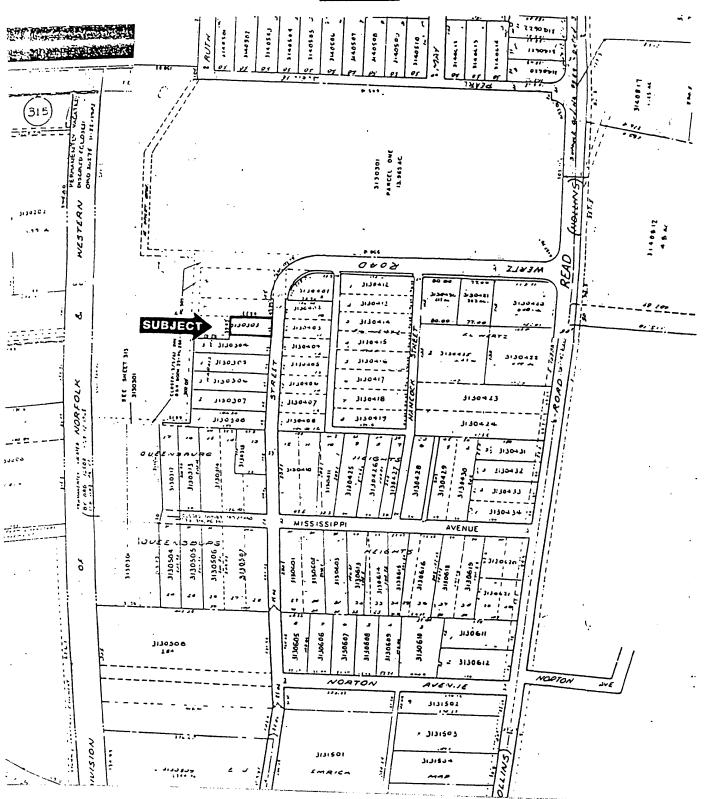
L & M Properties, L.L.C.

Bv:

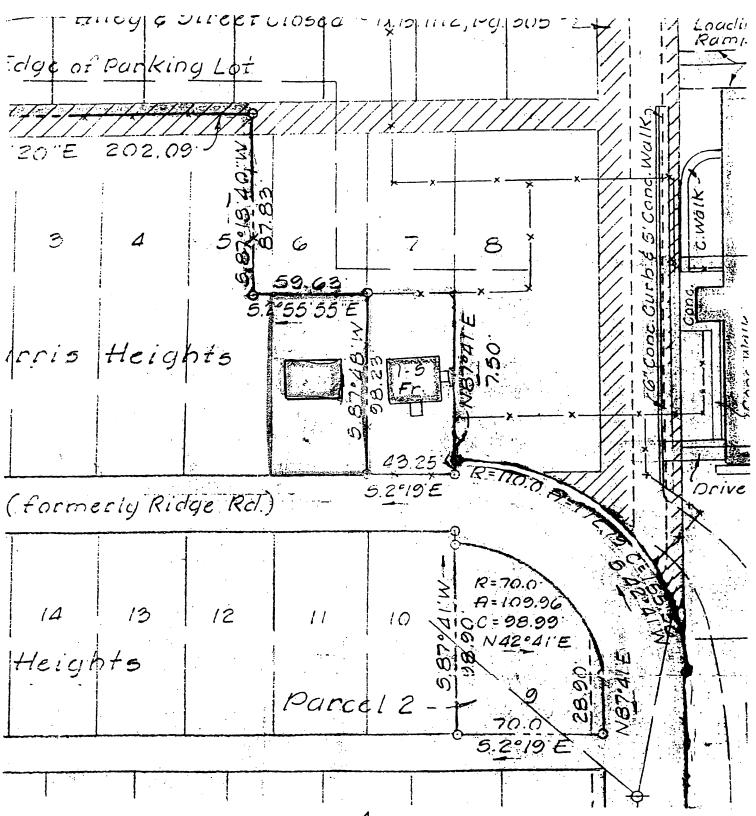
John H. Lipscomb, Member

Managing Partner L & M Properties 3330 Hollins Road, Northeast Roanoke, Virginia 24012 540-563-9903

## **EXHIBIT A**



## **EXHIBIT B**



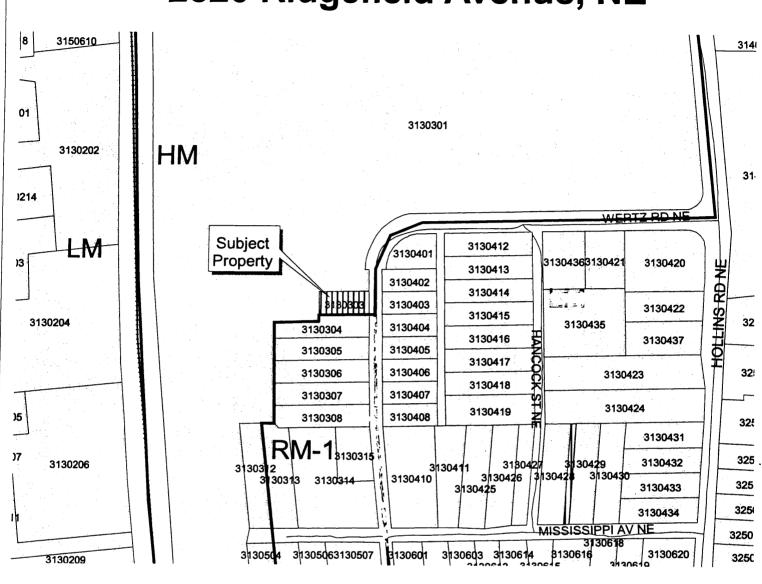
4

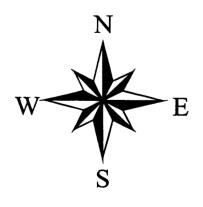
1904 - 1 - 16 - 18 1

# EXHIBIT C

<u>Name</u>	<u>Address</u>	Tax Numbers
David R. & Karen B. Hedge	2814 Ridgefield Street, NE Roanoke, VA 24013	3130304
Russell L. & Barbara M. Carter	2817 Ridgefield Street, NE Roanoke, VA 24012	3130403
Russell L. & Barbara M. Carter	2817 Ridgefield Street, NE Roanoke, VA 24012	3130404
L & M Properties, LLC	3330 Hollins Road, NE Suite A Roanoke, VA 24012	

# 2820 Ridgefield Avenue, NE







### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, L & M Properties, L.L.C., has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from HM, Heavy Manufacturing District, to RM-1, Residential Multifamily, Low Density District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on September 18, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

H:\ORDINANCES\O-REZONL&M091503(RIDGEFIELD).WPD

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That certain tract of land located at 2820 Ridgefield Street, N.E., consisting of 0.1055 acre, more or less, and designated on Sheet No. 313 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No. 3130303, be, and is hereby rezoned from HM, Heavy Manufacturing District, to RM-1, Residential Multifamily, Low Density District, as set forth in the Petition filed in the Office of the City Clerk on July 1, 2003, and that Sheet No. 313 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\ORDINANCES\O-RezonL&M091503(Ridgefield).wpd

Architectural Review Board Board of Zoning Appeals

Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from GCSWVA Co., LLC, to rezone a tract of land

totaling 1.3 acres, more or less, at the corner of Duke of Glouchester Street, S.W., (private) and Duke of Glouchester Street, S.W., (public) in the City of Roanoke, identified as a portion of Tax Map #5500114 from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District,

such rezoning to be subject to certain conditions.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 5-0-2 (Messrs. Rife and Butler abstaining), the Commission recommended the rezoning request be approved.

#### Background:

A Petition to Rezone, with conditions, was filed on July 3, 2003. A First Amended Petition to Rezone, with conditions, was filed on August 6, 2003, in order to correctly delineate the areas of the required landscaped buffer yards.

The rezoning request is for 1.3 acres of vacant land on the southern portion of Tax Map Parcel #5500114, with said Tax Map Parcel to be subdivided at a later date in accordance with the metes and bounds description of the petition to rezone. The petitioner proposes to construct a medical clinic on the subject property.

Conditions proffered by the petitioner are as follows:

- That the property will be developed in substantial conformity with the site plan prepared by Rife and Wood, Architects, dated May 28, 2003, a copy of which is attached to the Petition for Rezoning as Exhibit C, subject to any changes required by the City during the Comprehensive Site Plan review.
- 2. That the following C-1 permitted and special exception uses would be the only uses permitted on the property:
  - a. General and professional offices;
  - b. Medical offices; and
  - c. Medical clinics

#### Considerations:

The subject property is located in a mixed-use neighborhood. Surrounding land uses and zoning districts include the following:

- A multifamily development to the northeast zoned RM-2, Residential Multifamily, Medium Density District;
- A single-family dwelling on the balance of Tax Map No. 5500114 zoned RM-2, Residential Multifamily, Medium Density District;
- A vacant lot to the southwest zoned RM-2, Residential Multifamily, Medium Density District;
- A radio station to the southeast on the opposite side of Kingsbury Lane zoned C-1, Office District; and
- Within a one-block radius of the subject property, the Franklin Road commercial corridor zoned C-2, General Commercial, and a residential development along Kingsbury Lane zoned RPUD, Residential Planned Unit Development.

The petition to rezone the subject property is consistent with the following design principles of **Vision 2001-2020**, the City's Comprehensive Plan:

- Commercial buildings should be located very close to streets (p.95).
- Off-street parking should be located at the side or rear of buildings (p.93).

Because of the transitional nature of this property being situated between existing commercial development along Duke of Glouchester and multifamily development, the proposed change in use is a reasonable development strategy that is consistent with the City's Comprehensive Plan.

 The proffered general and professional offices, medical office, and medical clinic are compatible uses with the mixed-use character of the area.

- In addition to the proffered site plan's location of the building close to the street with parking to the side and rear, the entrance to the site and parking lot is located on Duke of Glouchester away from the adjoining residential uses.
- Although Tax Map #5500115, abutting the subject property on the southwest, is a vacant parcel zoned RM-2, Residential Multifamily, Medium Density District, its residential development would be limited by its topography and the adjacent land uses including I-581 and a shopping center.

Two of the proffered uses, general and professional offices and medical offices are permitted by right in the C-1, Office District. The third proffered use, medical clinic, requires the approval of a special exception by the Board of Zoning Appeals.

If the subject property is rezoned to C-1, Office District, the zoning ordinance will require the following landscaping:

- A ten-foot wide landscaped buffer along all abutting residentially zoned properties;
- Landscaping of five percent of the parking lot area; and
- Provision of street trees for each fifty feet of street frontage.

Given that trees are not required to meet the parking lot landscaping regulations, and evergreens are often used to satisfy buffer requirements, the landscaping requirements, as currently codified, could be accomplished with minimal tree canopy being preserved or replaced on what is currently a fully vegetated site.

Staff has not received any letters in opposition to the petition.

During the Planning Commission public hearing, Mr. Richard Rife, architect for the project, presented the request. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

Planning Commission discussion centered on the following issues:

- The provision of sidewalks: With the impending subdivision of the subject site from the parent tax parcel, subdivision regulations will require curb and gutter and sidewalks along the site where it abuts the public section of Duke of Glouchester.
- Tree canopy: Considerable discussion occurred regarding the provision of deciduous trees on the site to replace existing tree canopy.

Mr. Williams recommended that the development review process require the planting of as many deciduous trees as possible in satisfying the landscaping buffer requirements (in lieu of predominantly evergreens), taking into account the low intensity of the proposed use and the separation of the apartments by a right-of-way.

SQUEET 1 IN THE PARTY OF

## Recommendation:

Because of the transitional nature of the property, and given the current mixedland use pattern surrounding the subject property, the Planning Commission recommends to City Council that the request for rezoning to C-1, Office District, with proffered conditions, be approved. Because of concerns about site development in regard to tree canopy, the Commission recommended that during the comprehensive site plan development process the petitioner maximize the planting of deciduous tree cover and that buffering using evergreens be limited to the parking lot next to Duke of Glouchester.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager

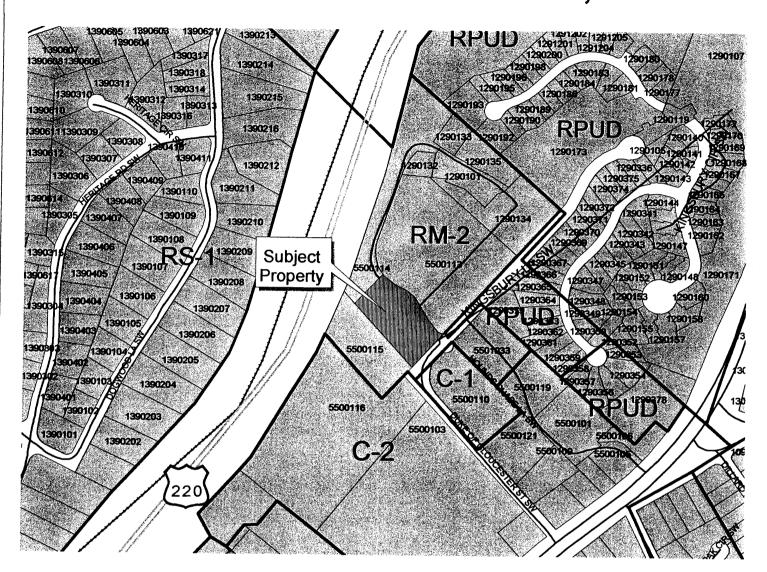
Rolanda Russell, Assistant City Manager for Community Development

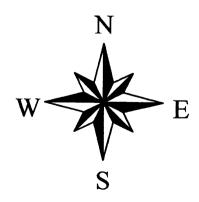
William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

Dr. Dennis B. Weiserbs, Petitioner

# 834 Duke of Glouchester St, SW





09184 1 IN 18 (EX.

## 1st AMENDED PETITION TO REZONE

# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of property totaling 1.3 acres, more or less, at the corner of Duke of Glouchester Street, S.W., (private) and Duke of Glouchester Street, S.W., (public) in the City of Roanoke, identified as a portion of Tax Map # 5500114 from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District, such rezoning to be subject to certain conditions.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, GCSWVA Co., LLC, is the contract purchaser of property in the City of Roanoke containing 1.3 acres, more or less, located at the corner of Duke of Glouchester Street, S.W., (private) and Duke of Glouchester Street, S.W., (public), which is a portion of Tax Map #5500114. Said property is currently zoned RM-2, Residential Multifamily, Medium Density District. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from RM-2, Residential Multifamily, Medium Density District to C-1, Office District, subject to certain conditions set forth below. for the purpose of construction of a medical clinic.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and it's comprehensive plan, in that it will provide high paying jobs, be a neighbor amenity and increase tax revenues.

Attached as Exhibit B is a legal description of the subject property requested to be rezoned.

The Petitioner hereby proffers and agrees that if the said tract is rezoned as required, that the rezoning will be subject to, and that the Petitioner will abide by, the following conditions:

- 1. That the property will be developed in substantial conformity with the site plan prepared by Rife and Wood, Architects, dated <u>August 1. 2003</u>, a copy of which is attached to the Petition for Rezoning as Exhibit C, subject to any changes required by the City during the Comprehensive Site Plan review.
- 2. That the following C-1 permitted and special exception uses would be the only uses permitted on the property:
  - (a) General and professional offices;
  - (b) Medical offices; and
  - (c) Medical clinics.

Attached as Exhibit D are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 6th day of August, 2003.

Respectfully submitted,

By:

Dr. Dennis B. Weiserbs, MD

**Managing Member** 

2012 Stephenson Avenue, S.W.

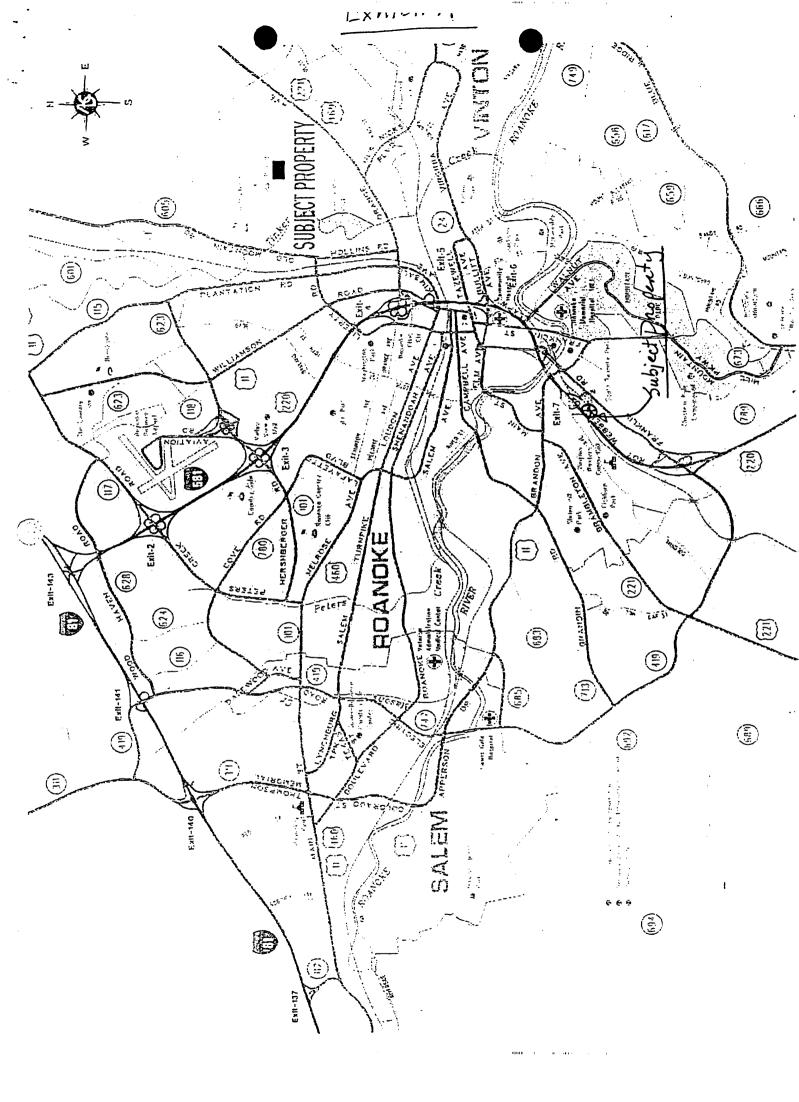
Roanoke, VA 24014

540-345-4900

# Exhibit D

# LISTING OF ADJOINING PROPERTY OWNERS

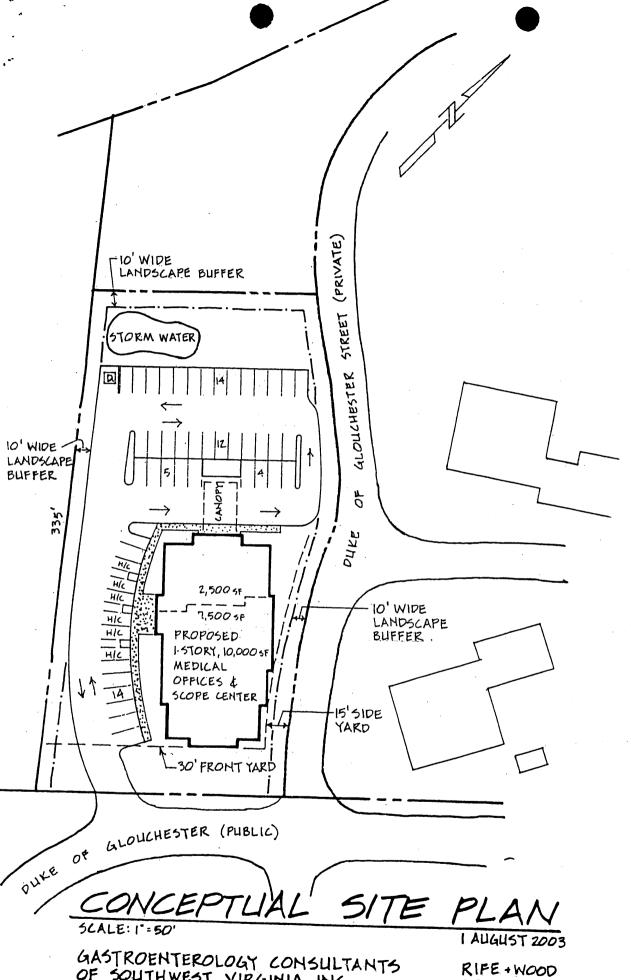
Official Tax No./ Street Address	Name of Property Owner	Mailing Address
5500110	VA Tech Foundation, Inc.	526 Prices Fork Rd. Room 141 Blacksburg, VA 24061
5500115	Paramount Southern	P.O. Box 2002 Greenville, SC 29602
5501011	D and J Associates	P.O. Box 21096 Roanoke, VA 24018



### Exhibit B

Comm: 2003-163

BEGINNING at an existing iron pin being the southwesterly corner of the Williamsburg Manor Apartments Roanoke Associates, LLC, being a portion of Roanoke City Tax Map #5500114, Tract C, Deed Book 1389, Page 700 and also being the southeasterly corner of Tax Map 5500116, property of Mer-Mar Enterprises, Deed Book 1656, Page 598, both properties located on the northwesterly side of Duke of Glouchester Street, SW, a 50' public right-of-way; thence leaving the right-of-way of Duke of Glouchester Street, SW and with the common line between the properties of Mer-Mar Enterprises and Williamsburg Manor Apartments, N 39° 33' 25" W, 335.00 feet to an iron pin set on said common line and thence with eleven (11) new division lines through said Tract C as follows; thence N 44° 29' 17" E, 153.25 feet to a point on the existing back of curb of Duke of Glouchester Street, a private road serving the Williamsburg Apartments; thence running along said back of curb for the following ten (10) courses to the existing public right-of-way line of the Duke of Glouchester Street, SW; thence along the arc of a curve to the left 22.32 feet, said curve having a delta angle of 0° 11' 52", a radius of 6464.90 feet, a tangent of 11.16 feet and a chord of S 48° 09' 11" E, 22.32 feet to a point on said back of curb line; thence along the arc of a curve to the left 13.05 feet, said curve having a delta angle of 3° 05' 39", a radius of 192.87 feet, a tangent of 6.53 feet and a chord of S 50° 11' 26" E, 13.05 feet to a point on said back of curb line; thence along the arc of a curve to the left 24.27 feet, said curve having a delta angle of 2° 05' 06", a radius of 666.81 feet, a tangent of 12.13 feet and a chord of S 53° 10' 18" E, 24.26 feet to a point on said back of curb line; thence S 53° 31' 13" E, 54.26 feet point on said back of curb line; thence along the arc of a curve to the right, 54.45 feet, said curve having a delta angle of 26° 34' 39", a radius of 117.39 feet, a tangent of 27.72 feet and a chord of S 40° 00' 10" E, 53.96 feet to a point on said back of curb line; thence along the arc of a curve to the left 45.37 feet, said curve having a delta angle of 4° 18' 04", a radius of 604.42 feet, a tangent of 22.70 feet and a chord of S 28° 53' 10" E, 45.36 feet to a point; thence S 32° 46' 01" E, 5.96 feet to a point; thence S 36° 12' 54" E, 48.07 feet to a point; thence 38° 24' 26" E, 35.91 feet to a point; thence 40° 31' 58" E, 34.16 feet to a point; thence with the northerly right-of-way line of Duke of Glouchester Street, SW, a public right-ofway, and leaving said back of curb and running along the existing aforesaid right-of-way, S 44° 29' 17" W, 166.24 feet to the point of BEGINNING and containing 56,353 square feet, 1.294 acres.



GASTROENTEROLOGY CONSULTANTS OF SOUTHWEST VIRGINIA, INC.

ARCHITECTS



# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 550, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, GCSWVA Co., L.L.C., has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on September 15, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the

recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 550 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

The certain tract of land located at the corner of Duke of Glouchester Street, S.W., (private) and Duke of Glouchester Street, S.W., (public), containing 1.3 acres, more or less, and designated on Sheet No. 550 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No. 5500114, be, and is hereby rezoned from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District, subject to the proffers contained in the First Amended Petition filed in the Office of the City Clerk on August 6, 2003, and that Sheet No. 550 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

A.5.(a)

# CO ROAD

Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 15, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Norwich Neighborhood Plan

Planning Commission Action:

The Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 7-0, the Commission recommended approval of the Norwich Neighborhood Plan as a component of *Vision 2001-2020*.

# Background:

Located in the bottomland of the Roanoke River, Norwich is surrounded by residential areas on three sides: Hurt Park lies to the north, Raleigh Court (with access from Memorial Avenue to Roanoke Avenue) lies to the south, and Mountain View (with access from Patterson Avenue to Bridge Street) lies to the east. A spur line of the former Norfolk & Western Railroad runs along the northern edge of Norwich beside the Roanoke River, and the railroad repair shop area known as Shaffer's Crossing, lies northwest of Norwich across the river.

Norwich is a unique neighborhood that was developed in the late 1800s for industrial use along the south side of the Roanoke River. All of the single-family homes in Norwich were built prior to WWII, and mostly between 1890 and 1908 for the workers and managers of the mills and factories that once flourished along the river. Much of this industrial land now remains vacant and can be redeveloped for recreational use. A core of historic houses remains in the middle of Norwich with heavy and light

manufacturing and multifamily housing forming the perimeter of the community.

Three public workshops were held with the neighborhood in early 2003. Various City staff attended these meetings and staff worked closely with the Norwich Neighborhood Alliance throughout the process.

### Considerations:

In the planning process, residents and staff identified the following five issues facing the neighborhood:

- Unique, but aging housing stock
- Lack of curb and guttering, and street trees
- Previously self-supporting neighborhood that now lacks an identifiable core
- Vacant land along the Roanoke River located in the floodway and flood plain
- A popular park that could use some improvements (Norwich Park)

To address these issues, the plan features five priority recommendations:

- Housing renovation and revitalization
   Consider listing the core area of Norwich to the National Register of Historic Places as a Historic District.
- 2) Physical improvement of neighborhood gateways and side streets Develop a streetscape plan for Roanoke Avenue and Bridge Street with more on-street parking, curb and gutter, and tall canopy trees to help with traffic calming.
- 3) Encourage the establishment of a vibrant village center Expand the current CN zoning around Russell and Bridge Streets at Roanoke Avenue to reinforce the center of the neighborhood.
- 4) Develop a recreational use plan for the HM zoned land along the Roanoke River

Utilize the Roanoke River Flood Reduction Project to provide more access to the vacant land to use as a park or greenway.

5) Improve the existing neighborhood park (Norwich Park)
Consider more parking along Roanoke Avenue for ball games, and a
separate play ground for small children.

The five priority recommendations address the most prominent issues in the neighborhood, but are not comprehensive. The plan contains a number of other action items. *Vision 2001-2020*, the City's Comprehensive Plan, provided the framework for the plan. The policies and actions of the plan are consistent with those in *Vision 2001-2020*.

# Recommendation:

The Planning Commission recommends that City Council approve the Norwich Neighborhood Plan as a component of *Vision 2001-2020*.

Respectfully submitted,

Robert B. Manetta, Chairman OFF

Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 21st day of August, 2003

A RESOLUTION recommending the adoption of the Norwich Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Norwich neighborhood to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Norwich Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on August 21, 2003, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Norwich Neighborhood Plan, dated August 21, 2003, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

Chairman

# Item A.5(a) Norwich Neighborhood Plan

Attached Separately



# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Norwich Neighborhood Plan, and amending <u>Vision</u> 2001 - 2020, the City's Comprehensive Plan, to include the Norwich Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Norwich Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on August 21, 2003, and recommended adoption of the Plan and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, September 15, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. That this Council hereby approves the Norwich Neighborhood Plan and amends <u>Vision 2001- 2020</u>, the City's Comprehensive Plan, to include the Norwich Neighborhood Plan as an element thereof.
  - 2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\ORDINANCES\O-NORWICK(ROANOKEVISION)091503.DOC

А.5.(b)



Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

**September 15, 2003** 

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Amendment of Vision 2001-2020 to include the Wasena

Neighborhood Plan

# Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 7-0, the Planning Commission recommended the adoption of the Wasena Neighborhood Plan.

# Background:

The Wasena neighborhood is located southwest of downtown and is bounded by the Roanoke River to the north and east, Greater Raleigh Court to the west, and Brandon Avenue to the south. Two public workshops were held with the neighborhood by staff in the spring of 2003 during the regular meetings of the Wasena Neighborhood Forum.

### Considerations:

The plan notes the following positive features of the neighborhood that need to be maintained:

- Homes and infrastructure in very good condition.
- Healthy mix of owner and renter occupied homes, and a range of housing options.

 Amenities, such as Wasena Park, Wiley Drive, proximity to downtown, and a low crime rate.

Staff noted the following issues in the plan that need to be addressed:

- 1) A former industrial district along the River
- 2) The village center along Main Street
- 3) The Wasena Bridge and its transition onto Main Street.

To address these issues, the plan features four priority recommendations:

# Zoning:

Based on the Future Land Use Map:

- Maintain a zoning district similar to the current RM-1 in residential areas in the update of the zoning ordinance.
- Expand the number of uses permissible in the current industrial area to allow for a mix of commercial and high-density residential opportunities.
- Amend the zoning ordinance to ensure that new residential development is compatible with existing structures in terms of setbacks and lot coverage, and to maximize the development potential of vacant properties and structures.
- Regulate the conversion of single-family homes to multifamily by requiring a special exception approval to ensure that compatibility with the existing neighborhood is maintained.

# Housing:

 Encourage a continuation of the neighborhood's current residential mix of single-family, duplex, and multi-family structures.

# **Economic Development:**

- Market the Main Street village center with particular emphasis on:
  - o Small-scale buildings with 2-3 stories.
  - Neighborhood commercial uses with minimal noise and lighting impacts.
  - Shared parking arrangements, including public/private partnerships.
- Target the former ice and cold storage building and industrial district for adaptive reuse. Considerations for redevelopment should include:

suppression of the state of the

- Zoning that allows for flexibility in permitting a vibrant mix of commercial and residential uses, particularly live/work space.
- o High-tech or other industrial uses that have a minimal environmental and neighborhood impact.
- o Possibilities for public/private partnerships.

# Infrastructure:

 Implement traffic-calming measures and gateway improvements on both ends of Main Street and the Wasena Bridge.

### Recommendation:

The Planning Commission recommends that City Council approve the Wasena Neighborhood Plan for adoption as a component of *Vision 2001-2020*.

Respectfully submitted,

Robert B. Manetta, Chairman City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 21st day of August, 2003

A RESOLUTION recommending the adoption of the Wasena Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Wasena neighborhood to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Wasena Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on August 21, 2003, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Wasena Neighborhood Plan, dated August 21, 2003, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

Chairman

# Item A.5(b) Wasena Neighborhood Plan

Attached Separately



# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Wasena Neighborhood Plan, and amending <u>Vision</u> 2001 - 2020, the City's Comprehensive Plan, to include the Wasena Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Wasena Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on August 21, 2003, and recommended adoption of the Plan and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, September 15, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. That this Council hereby approves the Wasena Neighborhood Plan and amends Vision 2001- 2020, the City's Comprehensive Plan, to include the Wasena Neighborhood Plan as an element thereof.
  - 2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

# ST ROMAN STATE OF THE STATE OF

Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 15, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment of Vision 2001-2020 to include the Morningside/

Kenwood/Riverdale Neighborhood Plan

# Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 7-0, the Commission recommended approval of the Morningside/Kenwood/Riverdale Neighborhood Plan.

# Background:

The subject neighborhood plan covers the Morningside, Kenwood, and Riverdale neighborhoods in the southeastern portion of the City. Morningside and Kenwood neighborhoods have a traditional neighborhood development pattern and are designated rehabilitation districts. The Riverdale neighborhood has a less dense, suburban development pattern.

The neighborhoods are bounded by Highland Avenue and Dale Avenue to the north, the Town of Vinton and Roanoke County to the east, Rutrough Road and Riverland Road to the south, and the Roanoke River to the west.

The Planning Building and Development staff conducted three neighborhood workshops in early 2003. City staff from various departments—including the Police Department and Department of Housing and Neighborhood Services—attended the workshops. The Southeast Action Forum and the Riverdale Neighborhood Watch were involved throughout the planning process.

### Considerations:

In the planning process, residents and staff identified the following major issues facing the neighborhood:

- A lack of new homeowners in the area.
- Maintenance and upkeep of an aging housing stock.
- Recurring zoning code violations such as outdoor storage and inoperable vehicles.
- Ineffective street design along major corridors.
- Lack of restaurants and other commercial amenities in village centers.

To address these issues, the plan features five priority recommendations:

# Housing

 Develop materials and create liaisons with the appropriate groups—i.e. realtors associations, chamber of commerce, etc.—to market the neighborhoods' strengths, especially the abundance of larger, affordable homes, convenient locations, and a pedestrian-oriented neighborhood design.

# **Zoning**

 Lower zoning density from multifamily to single- and two-family in selected areas (between village centers), leaving higher density zoning in and around village centers. In addition, zoning in village centers should encourage a mix of uses and building scales that are appropriate in a neighborhood setting.
 Zoning codes should promote the development of well-designed commercial structures that encourage pedestrian activity.

### Infrastructure

- Implement streetscape improvements such as planting species- appropriate street trees, installing and enhancing sidewalks and curbs, and adding parking lanes. The priority streets are:
  - Dale Avenue
  - Riverland Road/Bennington Street/13<sup>th</sup> Street
  - 9<sup>th</sup> Street

# **Economic Development**

Apply for the reinstatement of State Enterprise Zone One in 2004.

# **Code Enforcement**

 Enforce housing maintenance codes and use public nuisance abatement ordinances—including the Rental Inspection Program—to compel compliance. Encourage citizen participation in the identification of code violations. The five priority recommendations address the most prominent issues in the neighborhood, but are not comprehensive. The plan contains a number of other action items. *Vision 2001-2020*, the City's Comprehensive Plan, provided the framework for the plan. The policies and actions of the plan are consistent with those in *Vision 2001-2020*.

# Recommendation:

The Planning Commission recommends approval of the Morningside/ Kenwood/Riverdale Neighborhood Plan for adoption as a component of *Vision 2001-2020*.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION recommending the adoption of the Morningside/Kenwood/ Riverdale Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Morningside/Kenwood/Riverdale neighborhood to gain input into the plan;

This 21st day of August, 2003

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Morningside/Kenwood/Riverdale Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on August 21, 2003, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Morningside/Kenwood/Riverdale Neighborhood Plan, dated August 21, 2003, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

Chairman

# Item A.5(c) Morningside/Kenwood and Riverdale Neighborhood Plan

Attached Separately



# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Morningside/Kenwood/Riverdale Neighborhood Plan, and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan, to include the Morningside/Kenwood/Riverdale Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Morningside/Kenwood/Riverdale Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on August 21, 2003, and recommended adoption of the Plan and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, September 15, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. That this Council hereby approves the Morningside/Kenwood/Riverdale Neighborhood Plan and amends <u>Vision 2001- 2020</u>, the City's Comprehensive Plan, to include the Morningside/Kenwood/Riverdale Neighborhood Plan as an element thereof.
  - 2. That the City Clerk is directed to forthwith transmit attested copies of this

ordinance to the City Planning Commission.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\ORDINANCES\O-MKR(ROANOKEVISION)091503.DOC

# **CITY OF ROANOKE** OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

The Honorable Ralph K. Smith, Mayor The Honorable C. Nelson Harris, Vice-Mayor The Honorable William D. Bestpitch The Honorable M. Rupert Cutler The Honorable Alfred T. Dowe, Jr. The Honorable Beverly T. Fitzpatrick, Jr. The Honorable Linda F. Wyatt

Dear Mayor Smith and Members of City Council:

Subject: Approval of Enterprise Zone Designation Application

# Background:

On January 1, 1984, the Commonwealth of Virginia designated Enterprise Zone One, then known as the City of Roanoke's Urban Enterprise Zone. The designation for Enterprise Zone One is scheduled to expire on December 31, 2003, precipitating the submission of a new application requesting a new designation. The Virginia Enterprise Zone Act of 1982, as amended, authorizes the Governor to designate up to 5 additional areas within the Commonwealth as Enterprise Zones as of January 1, 2004. Such designation would make qualified business firms which locate or expand within such a Zone eligible for significant benefits, including credits on state taxes and local incentives.

### Considerations:

In accordance with the Department of Housing and Community Development's Virginia Enterprise Zone Program regulations, the local governing body must hold at least one public hearing affording citizens or interested parties an opportunity to be heard on such matters before submitting an application to the Department of Housing and Community Development for consideration. Such public hearing will be held at Council's meeting tonight, September 15, 2003. The application will seek designation as an Enterprise Zone of the property located within the City of Roanoke as described in Attachment 3 together with a map of Enterprise Zone One A - Attachment 2.

The Honorable Mayor and Members of Council Page 2 September 15, 2003

A copy of the draft application is attached as Attachment 1, which lists the local incentives on pages 38 through 45. Council will need to endorse such local incentives and indicate Council's intent to adopt them if the Enterprise Zone designation is granted to the City.

## Recommended Action:

Authorize the City Manager to apply on behalf of the City to the Virginia Department of Housing and Community Development to have that area of the City shown on the Enterprise Zone One A Map and as described on Attachment 3 as an Enterprise Zone pursuant to the provisions of the Virginia Enterprise Zone Act, as amended; to submit all information necessary to make application for such Enterprise Zone designation; to meet other program administrative and reporting requirements; and to take such actions and execute such additional documents as may be necessary to obtain such Enterprise Zone designation. The City Manager is further authorized to meet and comply with Enterprise Zone requirements about identifying and selling all surplus public land, as defined in the Enterprise Zone regulations, throughout the life of the Enterprise Zone.

Endorse by resolution, the application, and express the City's intent to adopt the local incentives set forth in the application and certify that a public hearing was held as required by the Enterprise Zone Program Regulations.

Respectfully submitted.

Darlene L. Burcham

City Manager

DLB:gr

Attachments

c: Jesse A. Hall, Director of Finance William M. Hackworth, City Attorney Mary F. Parker, City Clerk Beth Neu, Director of Economic Development

CM03-0179

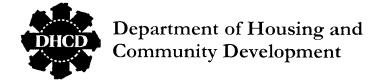
Council Report #003-00179 Attachment 1

ingligate it in the control of



# **DRAFT Enterprise Zone Designation Application**

Application Deadline: October 1, 2003



Office of Community Revitalization and Development 501 North Second Street Richmond, Virginia 23219 (804) 371-7030 ezone@dhcd.state.va.us www.dhcd.state.va.us

# VIRGINIA ENTERPRISE ZONE APPLICATION

Virginia Enterprise Zone Application Checklist

DHCD Use Only Complete Incomplete	REQUIRED ELEMENTS OF APPLICATION	Applicant initial if complete, write in N/A were not applicable
	Coversheet completed and attached	
	Executive Summary complete	
	Demographic data and distress criteria provided	
	Section 2 questions answered in entirety	
	Section 3 questions answered in entirety	
	Section 4 questions answered in entirety	
	Public Hearing Advertisements (Appendix A)	
	Public Hearing Minutes (Appendix B)	
	Public Hearing Resolution(s) (Appendix C)	
	Joint Application Agreement (Appendix D)	
	Vacancy Rate Determination (Appendix E)	
	Required maps (Appendix F)	
	Incentives chart(s) completed (Appendix G)	
	Implementation Plan (Appendix H)	
	Marketing Sample/Organizational Chart/Line Item Budget/Letters of Support (Appendix I)	
	Application received/postmarked by October 1, 2003	

# Coversheet

General Information		
Lead Applicant (Name of locali	ty):	
City of Roanoke		Application Type:
		Enterprise Zone
Government Address:		☐ Joint (more than one
111 Franklin Road, Suite 200		locality) Enterprise Zone
Roanoke, VA 24011		
,		
		Subzone present:
Chief Elected Official (Name ar	nd Title):	TYes
Ralph K. Smith, Mayor	,	No No
		100
		Local Enterprise Zone Incentive
Contact Person:		Package Included:
Name: Susan Mew		Yes
Title: Economic Developmen	nt Specialist	Number of incentives: 8
Phone: 540/853-2717	F	radiibel of meetitives. 8
E-mail: susan_mew @ci.roar	noke.va.us	
z mam sasan_me w @emean		
		Enterprise Zone Public Hearings
If Joint application, name of loc	ality completing this cover sheet:	Held:
		Single Application (one
EZ Participants (list all localities	s):	hearing)
ZZ i urvisipunus (not urvisioumus)	.,,.	Joint Application (one
		hearing in each locality)
		Joint Application (joint
		hearing)
		Advertisements attached
		Minutes attached
		Resolutions attached
Certification of Chief Administr	ative Officer:	
To the best of my knowledge and		Applicable Enterprise Zone Area
true and correct and the govern		Distress Criteria:
have duly authorized the propos		Income
resolutions are attached.	at intought resolutions. The	Unemployment
resolutions are allached.		☐ Vacancy rate
Signature:	Date:	
orginature.	Date.	
Name: Darlene L. Burcham		
Title: City Manager		
ride. City with ager		

Blank page inserted itself and could not be removed.

### SECTION I. Proposal Summary

### A. Executive Summary

Use the space provided below for the executive summary. One additional single-sided page may be attached if needed. The following need to be addressed in the summary:

- Outline what you hope to accomplish with the Enterprise Zone designation.
- Briefly discuss the methodology and rationale behind zone selection.
- □ List the distress criteria that have been met.
- Explain how the proposed zone relates to current and future economic development efforts.
- Discuss past performance and how you will improve the management, implementation, and administration of the zone.

The City of Roanoke hopes to accomplish the following with a new Enterprise Zone designation: decrease the number of City residents living below 80% of the median income of the area, particularly those in the Census Tracts comprising the zone; promote revitalization and investment in the zone, resulting in a higher assessed value of the property in the zone; encourage downtown living and further revitalization in downtown, including the area to the west of the Market area; increase the safety and decrease the crime rate of the zone; leverage of Enterprise Zone benefits in areas that have need, yet potential for growth and encourage revitalization of key older industrial areas that play a role in the surrounding neighborhoods.

The areas selected for the zone have been looked at in relation with the surrounding neighborhoods. Even while residents are not eligible for incentives, the City of Roanoke realizes the Enterprise Zone can positively impact the residents and neighborhoods and believes it is crucial that the zone boundaries reflect this understanding. These are areas already governed by neighborhood plans and other project areas, areas with strong business and neighborhood associations where residents and businesses will take an active interest in promoting the zone to the benefit of the area, and areas that serve as gateways into the City and downtown.

While most of the Census Tracts in the proposed zone meet the unemployment criteria, the City of Roanoke is using the criteria of low income, since this is a better indicator of the real issues City residents face, that is, most are able to find work, but finding work that pays a living wage is much more difficult.

The proposed zone relates to current neighborhood plans and efforts to be undertaken as a result of the plans' needs assessments of the neighborhoods. The zone represents areas that the City has invested in and plans on investing in, and at times, where private investment has been present. The zone is a layer of assistance, in the form economic development tools, and is rarely the only layer or tool in a given area. The City of Roanoke and the Department of Economic Development (DED) will remain mindful of the zone as it plans future economic and community development initiatives. The City realizes that for the zone to succeed, it cannot be the only layer of assistance available, and remains committed to further developing programs to assist these areas.

The past performance of Enterprise Zone One has always been strong, but there is always room for improvement. A well-staffed Department of Economic Development looks forward to setting the plans in this application in motion and promoting the zone. Stronger record-keeping will mark the new zone's administration, as well as clearly articulated and recorded goals and strategies. The DED is

Section I, Proposal Summary, Question A

acutely aware of the need to document all aspects of the zone as it exists today in order that future staff can better understand the rationale behind boundary and incentive selections, as well as better identify success and failure in relation to the goals. The goals outlined in this zone are much clearer and more defined than the goals of the previous zone. This will make implementation much easier, and will make determining success of the zone simpler in the years to come.

### SECTION I. Proposal Summary

B. Demographics and Distress Criteria of Proposed Zone (If this is a joint application, complete this section (#1) for each participating county and/or city. Use 2000 Census data. Use summary file 3 Census data for questions 2 through 10 with the exception of question 3, where summary file 1 Census data can be used.)

1. Name of locality	City of Roanoke
2. Total zone population	
3. Total zone households	
4. Total zone civilian labor force	
5. Total zone civilian labor force unemployed	
6. Percent zone civilian labor force unemployed	%
7. Jurisdiction's median household income	\$30,719.00
8. 80 percent of jurisdiction's median income	\$24,575.20
9. Number of zone residents with incomes below	
80 percent	
10. Percentage of zone households with incomes	%
below 80 percent of the jurisdiction's median	

12. Zone size (See page 10 of the application manual.	If this is a joint application,
complete this section for each locality)	
Type of locality:	

%

County	
□Town	
Metro City	
Consolidated City	
•	
Size guideline option used:	

11. Commercial vacancy rate:

Basic land size minimum and maximum 7 percent of land area
7 percent of population

13. Jurisdiction land area (in acres)	27,520	
14. Zone size (in acres)	1,702	
15. Percentage of zone land size to jurisdiction land area		6.2%
16. Jurisdiction population	94,911	
17. Zone population		
18. Percentage of zone population to jurisdiction population		%

19. Other circumstances documenting need (WAITING FOR STATISTICAL REVIEW TO COMPLETE): Use the space provided below to identify and explain additional circumstances of need and distress. Also discuss other demographic trends and data that DHCD should be aware of and cite the sources of the data. If relevant, discuss how these may have changed over the past 20 years. One additional page may be attached.

## Section II. Economic and Community Development Needs of Proposed Zone

A. 2000 U. S. Census Tracts and Respective Block Groups
List all US Census tracts and block groups located in the proposed enterprise zone. Use 2000 Census data. Place an asterisk (\*) next to any block group or tract of which only a portion of block group or tract is included in the proposed zone.

1\*

2\*

*3*\*

4\*

5\*

6\*

7\*

8\*

9\*

10\*

11\*

12\* 13\*

13 14\*

18\*

19\*

21\* 22\*

### Section II. Economic and Community Development Needs of Proposed Zone

### B. Zone Boundaries

List and describe proposed zone boundary characteristics and land uses and proposed subzone characteristics if applicable. List any significant businesses in terms of size or strategic importance. Also list any major features such as business clusters, major railways, etc.

Historically, the most active part of the current zone has been the downtown area. This area remains an important part of the proposed zone, and is home to many offices, restaurants and retail establishments. Large employers include Anthem, Wachovia and Carilion Health System. Retail continues to be an important segment of the downtown economy, populated mostly with smaller retail operations. Two exceptions are the showroom of Twists and Turns that occupies 10,000 square feet and La De Da, that started as a women's clothing store in one storefront, in the past two years has tripled in size and now sells furniture. In addition to its showroom downtown, Twists and Turns maufacturing facility is also in the western portion of downtown. Major attractions downtown include Center in the Square, home to the Art, Science and History Museums of Western Virginia and the Mill Mountain Theater; the Transportation Museum of Virginia; and future home of the Harrison Museum of African American Culture.

Another retail component of the proposed zone is the Williamson Road Commercial Corridor, which is populated with small to mid-size retail establishments situated in strip malls and as free standing, but small, buildings. One exception is a large auto dealer that occupies almost ten acres along Williamson Road. The Corridor is situated along a major transporation artery of the area, one that comes directly into downtown Roanoke, and the area is vehicular and not pedestrian in nature. The area has suffered disinvestment in the past, but a proactive business association has been successful in bringing the area back into the focus of current discussion. The area will be impacted by the increased traffic from a new stadium to be built off of Williamson Road across from the Civic Center.

Other commercial components in the proposed zone are the various "village centers," so named by the neighborhood plans, and the Southeast By Design area. The village centers are along Orange Avenue between 14<sup>th</sup> and 24<sup>th</sup> Streets, the Main Street area of the Wasena neighborhood, and the 11<sup>th</sup> Street commercial node. The Southeast By Design area runs along Bullit and Jamison Avenues. The businesses in all these areas are small retail, servicing the neighborhoods in which they are situated.

The rest of the zone consists of industrial areas, running north and south of the Norfolk Southern Railway, and is home to businesses that range from very small (one employee) to large (several hundred employees.) Most of the industrial areas tend to be small and are not official industrial parks, with the exception of the Roanoke Industrial Center. They are often located within or near residential areas, and their dilapidated state often negatively effect the neighborhoods in which they are located.

Major businesses include Roanoke Electric Steel, with 450 employees and Coca Cola, with 350 employees. The area along Shenandoah Avenue is populated with electricians, custom trim shops and general contractors.

The Roanoke Industrial Center, a former textile mill from the mid 20<sup>th</sup> century, is home to several small industrial users, and the Fred Whitaker Co., a manufacturer of yarns and other fibers from recycled materials for use in carpeting, has 210 full time employees.

Blank page inserted itself and could not be removed.

### Section II. Economic and Community Development Needs of Proposed Zone

### C. Map Requirements

Attach the following required maps (Maps need to be readable and no larger than 11" x 17")

- 1. Map of entire locality and proposed enterprise zone
- 2. Map of existing land use within proposed enterprise zone
- 3. Map of zoning districts within proposed enterprise zone
- 4. Official U.S. Census map(s) showing census tract(s) and block group(s) within proposed enterprise zone

Localities with expiring zones need to indicate current zone boundaries on each map.

# Section II. Economic and Community Development Needs of Proposed Zone

D. Economic Conditions (WAITING FOR STATISTICAL REVIEW TO COMPLETE) Briefly discuss key economic conditions within the community at large. Discuss in detail, economic conditions within the proposed zone. Assess the current business climate and any public and private activities within the proposed zone. Discuss how these conditions have changed over the past twenty years.

### Section II. Economic and Community Development Needs of Proposed Zone

E. Barriers to Economic Development and Revitalization

Provide a brief assessment of major barriers to economic development in the locality as a whole. In addition, assess the barriers to economic development at the proposed zone level compared to the rest of the locality. The discussion should address **physical barriers** (e.g., infrastructure, obsolescence of facilities, land availability, topographic); **non-physical barriers** (e.g. image perception, crime rates, job skill levels, access to capital, market access); and **organizational barriers** (e.g. economic development and marketing structures, financing institutions). Indicate how these barriers have changed over the last twenty years. Indicate if the current barriers can be addressed by enterprise zone designation. If the barriers cannot be addressed by designation, explain how the locality will address them. One additional page may be attached. (WAITING FOR STATISTICAL REVIEW TO COMPLETE)

### Section II. Economic and Community Development Needs of Proposed Zone

### F. Economic Development and Revitalization

Briefly discuss major opportunities that exist in the locality. In more detail, assess the opportunities that exist within the proposed enterprise zone compared to the rest of the locality. Opportunities can be physical, nonphysical, or organizational. Describe how opportunities may have changed over the past twenty years.

### Major opportunities in the City of Roanoke:

Physical: The Civic Center has recently undergone a \$15 million upgrade that will enhance the ability of the City to bring in more entertainment to the City and increase tax revenue via restaurants and hotels. In the same way, plans to build a new stadium and amphitheater across U.S. Route 460 from the Civic Center will also bring in new entertainment opportunities, and will better serve the community than does the current stadium, which is almost 60 years old. The Roanoke Regional Airport is also undergoing a \$128.5 million upgrade to the runways and will build a new control tower. These improvements will benefit the entire region, and represent an opportunity to attract more flights in and out of the region. The growth around the airport has also been substantial in recent years. The new interchange from I-581 South to the Valley View Mall area has allowed for huge retail growth, with more coming. Not only have new buildings been built for hotels, restaurants and big box retail development, the mall itself has attracted some new stores such as Old Navy, Ann Taylor Loft and others. Currently, Bed Bath and Beyond, Marshalls and Linens N' Things are planned to go into vacant retail space near the mall and along nearby Hershberger Road.

Twenty years ago Valley View Mall was just being built, and was not easily asssessible. The retail opportunities did not exist as they do today. Although Roanoke has always drawn shoppers from surrounding area, the pull is stronger now with such a variety of options. Strip malls that were at their height in 1984 subsequently experienced some hard times with lots of vacancies. But in the last two years, there have been some encouraging trends, and large retail spaces that were vacant are now being occupied by both retail and office users.

Nonphysical: For two years in a row, the City of Roanoke has been recognized as the top egovernment city in the nation. The City received high marks for its website, online job search and application process, and its "robust" public-safety program. Citizens can do many things online, such as pay taxes and parking tickets, check the status of buildings permits, etc. The city continues to improve its Geographic Information System (GIS) and it has been an invaluable tool for identifying trends in land use, vacancy, crime rate, and other vital areas in order to improve the City's planning and can allow the city to better address problems. It has also been invaluable in preparing this Enterprise Zone Designation Application. The City's comprehensive plan VISION 2001 is also an opportunity for the City. It will guide investment and decision making for the next decade or so. Another advantage to the region is its very low electric rates. This is a real opportunity for the City to attract large electric users to the area.

In the past 20 years, the most significant change has been in the technlogy, for example the GIS on the City's website.

Organizational: The City's Development Assistance Center has made developing in Roanoke easier and more streamline, especially in comparison to 20 years ago. The City is also blessed with proactive leadership on all levels, that understand the challenges of businesses and appreciates the contributions of businesses to the community. This leadership has pushed for new management of the

Section II, Econ. & Community Development Needs, Part F

City's parking garages, which has lead to a more effective management of the garages and will help ease the parking shortage in the downtown area.

### Opportunities within the proposed zone:

Physical: A challenge in the area of the proposed zone and the City as a whole is the lack of green space to develop. Because of this, all the development opportunities that do exist are redevelopment opportunities, and therefore, for the most part, all of the infrastructure is in place. The increased number of downtown living opportunities will also effect positive changes in the downtown, helping to make downtown a 24-hour experience for many. The future addition of Artspace in the Old Cotton Mill building near the Jefferson Center is an opportunity to develop that area of downtown, and will be a catalyst for more investment, bringing artists to the area to live and work. The renovation of the Passenger Rail Station into the O. Winton Link Museum and a new space for the Visitors Center will increase tourist activity, especially train enthusiasts, and make the Visitors Center more assessible to tourists. Another opportunity is the renovation of two historic warehouses into a high tech cultivator space. The buildings are owned by the City and are being renovated by a private foundation.

Nonphysical: Along with the positive impact the GIS and VISION 2001 have had in the City as a whole, the impact has also been felt in the administration of the zone and the application process for the new designation. Other opportunities that exist now that did not 20 years ago include the larger and more inclusive historic tax credit zone in downtown. There are more events in downtown Roanoke as well, that bring people into downtown to shop and dine, and to see what a vibrant place downtown is. The city also recently changed its outdoor dining ordinance to allow restaurants to use part of the City right-of-way for outdoor dining. This has brought more people downtown and promoted the idea that downtown is a safe place to live, work and play.

Organizational: The area of the proposed zone benefits from the proactive leadership of the City. The DED's strong commitment to the program is also an opportunity. The DED is committed to making the program a success and has the staff to make this a reality.

Blank page inserted itself and could not be removed.

### Section II. Economic and Community Development Needs of Proposed Zone

### G. Rationale for Proposed Zone Boundaries

Briefly summarize the locality's justification for selecting the zone boundaries. Discuss the locality's rationale for selecting the zone boundaries and how they were determined. In the case of joint zone applications, explain the rationale for applying jointly and why this particular set of localities was chosen. Discuss if this is a different configuration from the original zone and why. Your response should be based on information provided earlier in this section. One additional page may be attached.

The City of Roanoke is proud of its accomplishments, its vibrant downtown, low unemployment and strong neighborhoods. It also realizes that there are areas in the City that have not had the same level of investment, and subsequently have suffered, while other areas have flourished. In selecting the zone boundaries, the City tried to strike a balance between these two extremes. Because almost all the Census Tracts in the City qualified under the low-income requirement, the City could pick areas that were both in need of investment, in neighborhoods in need of better job opportunities and yet areas that had potential to flourish and take full opportunity of the program.

With the exception of the downtown, the zone consists of two types of properties: small industrial "pockets" or parks, and commercial corridors or nodes associated with a neighborhood.

According to the VISION 2001 Comprehensive Plan, "as downtown continues to expand its traditional role as the region's business center, new or enhanced village centers can create attractive smaller, decentralized multi-use development sites for commercial activity and higher-density housing." The various "village centers" and other commercial corridors or nodes that are a part of the zone are all being redeveloped and created with the assistance of neighborhood plans or other programs developed by the City of Roanoke.

Southeast By Design represents the first time the City has targeted federal funds, namely CDBG and HOME funds, to a specific neighborhood, rather than throughout the City. The goal of the project "is to revitalize the target area into a socially and economically diverse community by providing a diversity of housing choices, raising the income of existing residents, raising the economic value of properties and attracting higher-income residents to the area." This area has been included in the zone to further leverage zone resources into making this project a success and improving the people's lives in an area of the City that has been long neglected.

The Gainsboro commercial and industrial areas have long been an important part of the City of Roanoke, and are in the current zone. Gainsboro is next to be targeted with federal funds like the Southeast By Design proejct area is currently. Gainsboro's history and character make it one of the City's strongest and most distinctive neighborhoods. Most of the development in what is now the Gainsboro neighborhood occurred between 1890 and 1940. Beginning in the 1920s, the Gainsboro neighborhood transformed from a predominantly white residential neighborhood to a predominantly African American community with its own institutions, businesses and leaders. Gainsboro in the 1930s was the center for Roanoke's minority businesses, public facilities, housing and services. Urban renewal programs in the 1960s and 1970s took their toll on the neighborhood. In recent years, Gainsboro has finally begun to recover and there are many plans for revitalizing the neighborhood. Many historic buildings are being renovated and it is believed that the Enteprise Zone program can further current revitalization efforts and help leverage the federal funds soon to be targeted in this area.

Section II, Economic and Community Needs, Question G

The village centers in the Wasena, Loudon-Melrose, Shenandoah West neighborhoods and the village center at 11<sup>th</sup> Street are all part of the current zone. Recent neighborhood plans have brought attention to these areas and increased interest in the Enterprise Zone. The Enterprise Zone program, with the support of the City through neighborhood plans, can improve the appearance of these areas, make them more attractive gateways into the neighborhoods and encourage revitalization, entrepreneurship and residential pride in the neighborhoods. The neighborhood plan for Loudon-Melrose helped clarify that the zone would be more effective if it ran along the village center on Orange Avenue west of where the current zone runs.

An addition to the zone that is not a part of the current zone is the Williamson Road Commercial Corridor. Williamson Road is a major artery into and out of the city, populated with strip malls. The Williamson Road Area Business Association is proactive, and members are part of a special services district. The city collects additional taxes on real estate in order to improve the infrastructure of the area. This initiative has already been a success, but the corridor is large and there is much left to be done. Also, more attention is being focused on this area as the city prepares to build a new stadium off of Williamson Road. The City of Roanoke sees this area as being on the verge of some significant changes and wants to leverage the EZ program to further enhance these changes.

Downtown continues to grow as revitalization extends out from the Market area. Downtown Roanoke is not recognizable from what it was 20 years ago, but there are still dilapidated buildings, vacant storefronts and vacant floors above retail spaces. There are still challenges to marketing downtown and allowing the downtown to continue to be in an enterprise zone can help offset those challenges. Downtown has also historically been the most active area of the City in the program.

The area near the Jefferson Center in the western part of downtown holds great potential as various private entities such as the YMCA and Artspace plan significant investments. Artspace is slated to go into a building behind the Jefferson Center and the City has added properties around this area to the proposed zone because it is expected that this area will flourish, and the EZ program can help make that a reality.

With the exception of removing the Blue Ridge Industrial Park (BRIP) from the zone, the industrial areas have remained the same. Some areas were removed because it was the perception that there were too many challenges to ever effectively redevelop them, such as environmental and floodplain issues. The BRIP was removed for the opposite reason. While the area still qualified, the park is doing phenomenally well, there is very little left to develop, and the perception was that it did not need any additional aid such as the EZ program in attracting businesses.

The other industrial areas in the Norwich neighborhood, along Shenandoah Avenue and the Hollins Road/Plantation Road corridor will remain in the zone. They have made some progress in recent years, and will continue to grow and thrive with the assistance of the Enterprise Zone.

### Section III. Impact of Designation

### A. Goals of Designation

List the primary goals that the locality hopes to reach over the course of the zone designation. Discuss the significance of zone designation on the community's overall economic development and revitalization efforts. Explain what other local or regional resources will be brought to bear on reaching these goals. List key goals that the locality has reached over the last twenty years based on previous GOSAs, local development objectives from the original designation application, or other documents to show the progress that has been made.

The goals for the proposed zone are as follows:

- 1. To lower the percent of zone households living below 80% of the median income of the area.
- 2. Promote revitalization by increasing investment that results in an increase in assessed value.
- 3. Encourage downtown living through various community efforts and local incentives that allow a residential component. Currently there are 160 apartments in downtown Roanoke.
- 4. Increase safety and decrease the crime rate in the zone and the Census Tracts that make up the zone.
- 5. Successfully market the zone advantages to businesses in the zone in order that the activity rate in the City of Roanoke's zone remains one of the highest in the state.

The objectives of the City of Roanoke's 1983 Designation Application are as follows:

A. To promote investment in the zone resulting in an increase in assessed value of 40% in five years. Due to state-enforced records management policies, and previous City of Roanoke Enterprise Zone Administrators' failure to request to keep vital Enterprise Zone documents past the alloted five years, the value of the property of the zone in 1984 or 1989 are not available. According to the Annual Reports of the City of Roanoke's Department of Finance, however, the assessed value of property in the entire city was \$1,599,177,720 in 1984 and rose by 42% to \$2,273,157,582 in 1989. By 2002 the assessed value of the real property in all of the City was \$4,093,537,567, an increase of 156% in almost 20 years. Investment in downtown has been particularly significant. In the 20 years of the life of the zone, the Market area of downtown has gone from a place where drug dealers and prostitutes were plentiful and most citizens would not venture, even in daylight to a place with renovated buildings that are filled with restaurants, boutiques and offices, and citizens enjoy going to at night.

B. To increase employment opportunities within the zone by 25% in five years. Due to state-enforced records management policies, and previous City of Roanoke Enterprise Zone Administrators' failure to request to keep vital Enterprise Zone doccuments past the alloted five years, the employment levels for the zone are not known from 1984 or five years later in 1989. But according to the Virginia Employment Commission, the average employment of the City of Roanoke in the Fourth Quarter of 1983 was 58,582, and it rose by 16% by Fourth Quarter 1988 to 69,926. By the Fourth Quarter 2002 it had risen 25% to 73,361. While the City may have not met this goal, progress has been made, and the City enjoys one of the lower unemployment rates in the state.

Section III, Impact of Designation, Question A

- C. To provide the means, expertise and incentives to better utilize the zone resources. The City of Roanoke has invested many resources in land assemblage for larger projects such as the Coca Cola plant and the new facility for the Roanoke Times, issued a bond to improve sidewalks downtown, improved the Farmer's Market area with canopies and water lines for the farmers and was instrumental in getting Center in the Square off the ground, which created a destination in downtown and made it a safe and vibrant place to live, work and play.
- D. To improve the transportation of persons and goods within and outside of the zone. During the life of the zone, public transit has become available throughout the zone. The Peters Creek extension opened up the Blue Ridge Industrial Park and allowed for better transporation to and from the park, which is a part of the current zone. In 1989 the Roanoke Regional Airport completed construction of a new terminal, and in the five years after the completion of this new terminal and other improvements to the airport, air freight activity increased by 120%. In 1998 another \$8.5 million expansion for cargo also contributed to an increased rate of freight activity. Commercial jet service has improved in the past 20 years as well, benefitting businesses and citizens throughout the Roanoke Valley. With fewer and fewer industries relying on rail to move their products in the past couple of decades, the Hollins Road/Plantation Road corridor of the current zone has become an important freight/shipping center with many shipping companies expanding in the area in recent years.
- E. To address the disinvestment psychology and replace it with one of confidence in the future of the zone. While some areas of the current zone continue to be perceived as blighted, often there are still viable businesses in these areas, such as the Roanoke Industrial Center, the Norwich industrial area and other "dirtier" industrial pockets. Other previously overlooked areas have developed into attractive, clean, dynamic areas, such as the Blue Ridge Industrial Park, the Deanwood Industrial Park and the industrial pocket in the Gainsboro neighborhood. The improvements in downtown are also proof of the success the City has had in reaching this goal.
- F. To actively market the advantages of the zone location to the private sector and to provide development assistance. As evidenced by the fact that the City of Roanoke Enterprise Zone One, the expiring zone, is the most active zone in the state, and has been for most of the 20 years the City has had the designation, the City has very successfully marketed the program. Currently, we have several brochures we have designed and created in-house that detail the benefits of the zone, have complete information including state and local forms and maps on the Economic Development website, and have the Enterprise Zone as a layer on the GIS program online. A new brochure is being printed that addresses downtown redevelopment and is on the Enterprise Zone, Historic Tax Credits and other City incentives to renovate downtown space. The Department of Economic Development fields several inquiries a week about the program, and Enterprise Zone locations are highly sought after by companies looking to move into the City or expand.

SHOULD IN THE STATE OF THE STAT

Blank page inserted itself and could not be removed.

matter a profite of

	Section III. Impact of Designation	
unun mundell " "g	B. Proposed Local zone Incentive Package Required chart (on page 18 of the application) is completed and attached	

### Section III. Impact of Designation

### C. Financial Impact of Incentives

Discuss and quantify the financial impact of the proposed local incentive package. Provide examples of the potential financial impact of any new incentives for targeted businesses and industries. You may also use examples of actual financial impact to businesses under the current designation. Refer to the instruction manual for examples of what needs to be included. One additional page may be attached.

Facade Grant: the fiscal limit of this incentive is \$100,000 but the DED is committed to obtaining more funds if this program grows in popularity. The average grant amount for the first year of the program was over \$16,000; maximum grant amount is \$25,000 (there is no minimum). Grants are used to leverage private investment toward the total cost of the renovation and cover 33% of the total costs.

Real Estate Tax Exemption: this incentive can save owners thousands of dollars depending on the investment made. It allows owners a seven-year period to help recoup the cost of renovation before having to pay taxes on the improvements.

Building Permit Fee and Utility Connection Fee Rebates: depending on the amount of investment, this incentive can either get a few hundred dollars back to the owner or several thousand. FOR EXAMPLE, if a company paid \$6,000 in water, fire and sewer connection fees, and invested \$700,000 in a building, they would receive a rebate of 70%, or \$4,200.

Fire Suppression Retro-Fit Grant: The cost of installing a fire suppression system can be astronomical, and the connection fee and monthly charges can add insult to injury. This incentive strives to offset costs, and actual financial impact for a owner can be anywhere from \$7,620 to \$26,370. FOR EXAMPLE, if a building owner retrofitted a 40,000 square foot building with a six inch line, the connection fee of \$8,000 would be rebated, and over a five-year period, grants would be \$3,600 to help cover monthly fire service charges.

Business Security Grant: this incentive, while modest in financial scope, provides a greater good for businesses by requiring the businesses to go through the Star City Business Watch program, allowing them to develop a relationship with the police department and learn valuable ways to increase the security of their business environments.

FOR EXAMPLE, if a company goes through the Star City Business Watch program and the following recommendations are made, totaling \$375, the business would receive a grant for \$187.50:

Install deadbolt: \$75 \$300 Improved outdoor lighting:

If the following recommendations are made, totaling \$1,250, the business would receive a grant for

\$500:

\$150 Install new deadbolts: Improved outdoor lighting: \$650 Install new vegetation under windows: \$450

Job Training Grants: these can allow the City to assist new and expanding industries with training needs. Coupled with the Department of Business Assistance's workforce assistance, qualified business will pay be reimbursed for training their newly-hired employees.

Section III, Impact of Designation, Question C

FOR EXAMPLE, if Company A hires 50 new positions, training costs are \$1,000 per person, and the DBA assistance totaled \$20,000, the city would match the \$20,000. If Company B has training costs of \$40,000, DBA assists with \$30,000, the City would contribute \$10,000.

Neighborhood/Parks and Recreation Grant: modest \$500 grants to neighborhood organizations can effect significant changes through signage and other beautification methods. More substantial parks grants can help offset budget constraints of the parks department in improving neighborhood parks and community spaces.

Following are examples of how these incentives work together for owners investing in the City of Roanoke:

FOR EXAMPLE, a building owner renovates his downtown building. The cost of the renovation is \$1,000,000. The building, which was vacant for 20 years, had to be hooked up to the water and sewer lines, which cost him \$5,500. Building permits cost \$4,700. He also decided to retro-fit the building with a fire suppression system, and paid \$6,000 for the fire line connection fee and would have to start paying monthly charges of \$200. The amount he spent in the façade was \$75,000. The building was assessed for \$72,000 before renovations, and \$860,000 after the renovations were completed, which means his tax bill would have gone from \$871.20 to \$10,406. The abovementioned incentives would mean rebates of \$16,200 for the water, sewer and fire connection fees and building permit fees; \$25,000 in a façade grant; \$3,120 in fire retro-fit grants; and real estate tax savings of \$66,744. TOTAL financial impact for this building owner would be \$111,064, over 11% of his expenses, not including the \$125,000 in Real Property Improvements tax credit from the state, which combined with local incentives would mean almost 25% back from his investment.

FOR EXAMPLE, a manufacturer undergoes a significant expansion and plans on hiring 75 new employees. She also makes the decision to go through the Star City Watch program because of some internal theft problems. She upgrades her facility, investing \$600,000 in improvements. Building permits cost her \$3,000; security improvement recommendations from the police department will run \$1,000; job training costs for 75 new employees run \$1,000 per employee, or \$75,000. The DBA has contributed \$30,000 in training assistance. She would receive building permit rebates of \$1,800, a security grant of \$500 (50% of cost, capped at \$500), and a job training grant of \$30,000. TOTAL financial impact is \$32,300, not including the \$125,000 in Real Property Improvements tax credit from the state.

FOR EXAMPLE, the Wasena Neighborhood Forum, during its regularly scheduled monthly meeting, deals with issues of vagrancy in the park, lack of signage into the neighborhood from the downtown area and recent acts of vandalism and crime at two local businesses along the village center. A request for additional lighting under the bridge in the park to address the vagrancy issue has been denied by the Parks Department because of budget cuts. During the meeting, the neighborhood decides that the two businesses need to go through the Star City Watch program, and subsequently they both receive \$500 grants for security improvements. The neighborhood also applies for and receives a \$500 grant to place a sign at the neighborhood gateway. They also apply for a Park Grant of \$2,500, match it with an additional \$3,000 the Forum has after a fundraiser, and the Parks Department is able install some lights in the park to deal with the vagrancy problem. TOTAL financial impact to neighborhood is \$4,000, but the crime rate and vagrancy problems will be addressed, and signage issues addressed.

Blank page inserted itself and could not be removed.

### Section III. Impact of Designation

### D. Local Incentives

Discuss the process used to determine incentive selection. In more detail, discuss the rationale for selecting the specific incentives. Discuss how local incentives will enhance other incentives offered at the local and state levels. Compare the proposed package to the current package. You may also provide examples of how local incentives have enhanced other incentives as well as provide examples of how current incentives have brought financial leverage to other incentives under the current package. One additional page may be attached.

The City of Roanoke is fortunate to have had a zone for 20 years now and has seen what works, what does not and where there is room for improvement. The Department of Economic Development (DED) has a close relationship with businesses, which give accurate and honest views on the incentives. They have used previous ones, and know what works.

The DED's job of perfecting these incentives is also made easier by knowledgable and concerned city staff in other departments, who work with businesses in vastly different capacities than the DED does, but are concerned that these businesses succeed. These City staff often provide the DED with a perspective we would otherwise not be priviledged to and share with us concerns businesses may not think to share with DED. Contributing departments include fire, police, planning, neighborhood services, real estate valuation, utilities and parks and recreation.

An informal survey of businesses and previous experience with the Enterprise Zone program has taught the DED the rebate schedule for building permits and utility connections needed to be more aggressive since the City raised the fees last year, that businesses do not have time for lenghthy or complicated application processes, real estate tax exemptions are crucial in renovating properties, security is a concern, additional help for rehabilitation was more important than assistance in new construction and help in adaptive reuses of buildings was needed. Discussions with some companies has also shown us that job training, even with assistance from the state, can be a real challenge. As a result, the DED amended the incentives for both of the City of Roanoke's Enterprise Zones in 2002. Building Permit Fee and Utility Connection Rebates were made easier to get to address the increased fee rates, and were allowed for rehabilitations as well as new construction to address the fact that there is very little developable raw land in Roanoke, and most development is in the form of redevelopment and renovations. This application does reflect a further change in the scale for the building permit rebates. After a year of use, it was determined the incentive was too easy to get and has been adjusted.

A commercial Façade Grant was also added in 2002, and was a great success its first year. These incentives have worked well the past year, and have been improved in this application to allow for a mixed use component: as long as a building will have 20% dedicated to retail or other commercial activities, the rest can be residential. The City also made qualifying for this incentive easier than most. Since the goal of the Façade Grant program was to improve the appearance of buildings, and not increasing tax assessment or revenues, the City has allowed non-profits to qualify for this incentive and there is no minimum investment required. Something as simple as cleaning or painting a building qualifies for assistance, because the City realizes that even simple and inexpensive measures like these can do much to improve the appearance of a building.

In order to give the EZ Real Estate Exemption even more of an edge over the city-wide program (the EZ program allowed for newer buildings and less of an investment to qualify than the city-wide program) the exemption will now be for seven, and not just five, years.

Since security was also an issue for some, the City has added a Business Security Grant for any Enterprise Zone business that has completed the Police Department's excellent Star City Business

Section III, Impact of Designation, Question D

Watch Program. Going hand in hand with security is safety, and in an effort to encourage owners to do what is best for the occupants of a building, the City has added a Fire-Suppression Retro-Fit Grant and Connection Fee Rebate for owners that chose to have its building retro-fitted with a fire suppression system.

Finally, the City has added a job training grant, which will allow the City of Roanoke to step in and fill all or part of a gap in funding from the state's Department of Business Assistance for new or expanding businesses that are investing in our workforce.

Many of these incentives work hand-in-hand with other incentives offered by the city, state and federal government. The Job Grant is designed to work in unison with the DBA's workforce development assistance. Other incentives are available when state Enterprise Zone are not, such as the building permit and utility connection rebates and façade grant, which are both for projects that have at least 20% devoted to commercial activity, and the rest residential. The Façade Grant is also open to non-profits. In 2003, the City of Roanoke received an application for a façade grant for a former supermarket being renovated into a church facility. While there will be no tax revenue from this property, the investment of \$250,000 in an area of the City that has not had any substantial investment in recent history will have significant positive effect for the area.

These local incentives can also be matched to state incentives, historic tax credits and the City of Roanoke's Technology Zone incentives. FOR EXAMPLE, a technology business locates to downtown Roanoke, and renovates an old building. The investment in building is \$600,000 and in business personal property it is \$18,000. Building permits cost \$3,000, and façade improvements were \$75,000. In addition, the bulding had to be wired for high speed internet capabilities. State Enterprise Zone Real Property Improvement tax credit would be \$125,000; the local EZ façade grant \$25,000, local EZ rebates \$1,800; Technology Zone business property grant \$300, TZ internet connection grant \$1,000; state historic tax credit \$150,000 and federal historic tax credit \$120,000. TOTAL financial incentives would be valued at \$423,100.

Often, renovating a building using just one set of economic tools, like the Enterprise Zone, can still be an expensive and difficult task. When the Enterprise Zone is supplemented by state and federal historic tax credits and Technology Zone credits renovations become much more economically feasible and the results are much grander than expected.

### Section IV. Program Implementation

### A. Marketing Techniques

Identify techniques that will be used to market the proposed zone. Compare these marketing techniques with the current techniques used to market the program and how and why the locality thinks they will be successful. Specify any targeted marketing techniques that will be used to attract specific industries.

Electronic Marketing: The City of Roanoke's Department of Economic Development's website currently has all the information on state and local incentives, forms and instructions and maps of the zones. This information will be updated upon zone designation, and displayed more prominently. The Enterprise Zone is currently a layer on the GIS online and this layer will be updated to reflect the new zone boundaries. The DED will lobby to have a link from the front page of the City's website to Enterprise Zone information upon new zone designation. An update of a current CD ROM on various business opportunities in Roanoke will be completed as well to reflect the new zone designation. These various electronic forms of marketing have always been well-received in the past and with improvements will continue to succeed. In addition, the DED will put a notice on the electronic bulletin board on the local government cable assess channel, RVTV, and appear on various economic development and businesses focused programs on RVTV.

Printed Marketing: The DED currently keeps both three panel brochures on state and local incentives on hand for companies, as well as more in-depth handouts. These materials are always presented to businesses within the Enterprise Zone during existing business visits and to all prospects interested in learning more about the City. The DED also created a four-panel brochure on renovating downtown properties and will update that upon zone designation. This brochure is used by the City, Downtown Roanoke Inc., and other partner organizations to get the word out about development opportunities in downtown. These materials will continue to play an important role in marketing the program. The DED will also work the Roanoke Times, the Blue Ridge Business Journal and the City's Citizen Magazine to have articles about the zone designation published. The Enterprise Zone will also be the focus of any print advertisements the DED places in 2004.

Interactive Marketing Opportunities: Upon zone designation, the DED will hold a large workshop to educate businesses about the new incentives and zone boundaries. A large workshop will be held once a year, with smaller seminars held bi-annually to market the program. The DED will also take part in workshops sponsored by the Building Department to educate potential developers on downtown redevelopment. The DED will also make Enterprise Zone information available to neighborhood organizations whose village centers are a part of the zone. The staff of the DED meets with businesses on a regular basis and always shares Enterprise Zone information with businesses located in the zone, looking to expand or for new space. The DED will pursue the opportunity to have the Planning, Building and Development Department and the Business License office to have programmed into their softwares used to issue building permits and business license a "trigger" that will alert the City employee that the building/business is in the zone and direct them to the DED with informational materials.

Roanoke Valley Economic Development Partnership: The City of Roanoke partners and supports the RVEDP, which in addition to taking part in trade shows, running print ads and utilizing other traditional marketing techniques. The RVEDP always markets the Enterprise Zone benefits to companies with which it works.

Blank page inserted itself and could not be removed.

ONES - J. C. D. C. C. P.

### Section IV. Program Implementation

### B. Marketing Plan and Timetable

Complete the marketing component of the implementation plan. Discuss where and how the marketing of the enterprise zone will fit in with the overall economic development marketing of the community and region and if/how this differs from the past. Discuss the staff, organization(s), and funds committed to marketing the proposed zone and if/how this differs from the past. This should be a detailed discussion of actions and plans listed in the marketing component of the Implementation Plan Chart.

The Roanoke Valley Economic Development Partnership is a 20-year-old organization that markets the Roanoke Valley. The RVEDP is supported by the governments of Botetourt, Craig, Franklin and Roanoke counties, the cities of Roanoke and Salem, and the Town of Vinton, as well as the business community in the region. The City of Roanoke relies heavily on the RVEDP to market to potential businesses, via print advertisement, trade shows and trade missions and working closely with the Virginia Economic Development Partnership. As a result of the City of Roanoke's support of the RVEDP, the DED's marketing budget is limited. The marketing component has traditionally been, and will continue to be, absorbed by other budgets. The focus is on in-house production of brochures and the website, as well as low-cost, but highly effective business visits and workshops.

The Administrator of the Enterprise Zone, while having other duties, is committed primarily to the EZ program. The current administrator also has a background in graphic design and is able to design many of the brochures, which allows the City to have attractive marketing pieces without the expense of hiring an outside designer or ad agency.

The DED plans on being more aggressive in marketing the program, and not just launch a big marketing campaign upon zone designation.

Upon zone designation, the DED will make a presentation at the monthly Leadership Team meeting of all directors and managers in the City and to partner economic development organizations; make presentations to the Police and Fire departments on the program, highlighting the new Business Security Grant and Fire Suppression Retro-Fit Grant programs; make presentations to the Housing and Neighborhood Services and Parks and Recreation departments on the Neighborhood/Parks and Recreation Grants; update all marketing material and the website; plan and hold a large workshop for businesses and property owners to give a brief overview of the state incentives and more detail on the new local incentives; work with local papers and journals to have articles on the new zone designation published; and work with the Department of Technology on updating the GIS, and creating the capability in the business license software and building permit software to alert the City staff that the business they are working with is in the Enterprise Zone.

Ongoing marketing efforts will include annual reviews of the program with City leadership, ED partners and City departments instrumental in marketing the program; annual large workshops on the program and biannual Open Houses with Planning to highlight the programs that can help owners renovate downtown properties; continually using technology and technological advances to improve the marketing and administration of the zone; continually visiting businesses in the zone to share program details; using email to send out information on the Enterprise Zone to businesses in the zone; and using various marketing opportunities such as the cable access station, newspaper and business journal.

Blank page inserted itself and could not be removed.

1994 1 6 147

### Section IV. Program Implementation

### C. Management and Administrative Structure

Identify the department/agency/organization that will have overall responsibility for the zone's administration and address the following:

- Attach an organizational chart showing each person and organization involved in the administration and marketing of the Enterprise Zone.
- □ For localities submitting joint applications, explain the role(s) of each locality in administering the Enterprise Zone.
- □ Attach letters of support from each person and organization involved in the administration and marketing of the Enterprise Zone. The letters must include specific commitments that the organization/person will make to the zone not general letters of support.
- Provide the contact information for the person who is (to be) the Local Zone Administrator.
- □ Explain why that position/office was selected to oversee the Enterprise Zone program.
- □ Provide a rough estimate of the amount of time (hours) per week that will be devoted to the program.
- □ Explain how the Enterprise Zone Program budget will be funded. Provide a line item budget if applicable.
- ☐ Explain how individuals will be trained and how efforts will be coordinated.
- Discuss if the organizational structure will be the same or different from what is currently used and explain how and why.

One additional page may be attached.

### CONTACT INFORMATION:

Susan Mew

Economic Development Specialist/Enterprise Zone Administrator

City of Roanoke

Department of Economic Development

111 Franklin Road, Suite 200

Roanoke, VA 24011

540/853-2717 (phone)

540/853-1213 (fax)

susan mew@ci.roanoke.va.us

The Department of Economic Development, with its regular contact with new and existing businesses, is best equipped to adminster the program. While only one staff member is officially assigned to work on the program, all Economic Development staff members are knowledgeable on the program and can assist in marketing the program and answering questions. It is estimated that currently the Enterprise Zone administrator devotes 20-25 hours a week to working with the program. This time increases after the first of the year until the middle of May, when state incentive activity is high.

The incentives are funded through appropriations from the General Fund, except the Real Estate Tax Exemption, which is foregone revenue. The budget for the program is currently \$\_\_\_\_\_\_. The City of Roanoke is committed to keeping this program fully funded.

Section IV, Program Implementation, Question C

The current Enterprise Zone administrator has worked with the program for over three years, and is well-versed. She will continually educate co-workers on the program, and has created an Internal Resource Guide that gives step-by-step Standard Operating Procedures (SOP) for all aspects of the program. These SOPs will be updated upon new zone designation, and will include information used to compile this application. The current administrator learned many aspects of the local program slowly and at times the hard way due to previously poor record keeping, and plans on making sure her successor will be better prepared to take over the administeration of this program. As the DHCD holds new administrator training the current administrator will hope to attend with other staff members to insure continuity with the program if she leaves employment with the City.

The organizational structure will remain basically the same as it has been in recent years. There will be a stronger ongoing relationship with partner organizations that can help market the program, as well as with other city departments.

### Section IV. Program Implementation

### D. Zone Assessment and Review

Discuss by what method and how often incentives will be evaluated. Provide a timetable for incentive and program evaluation as part of the implementation plan. Discuss how program success will be determined and progress measured. Discuss how often and by what methods the incentives were evaluated over the past twenty years and any resulting actions. How is this different from the past?

The DED plans to perform internal audits of the program every three to five years. Information will be gathered on how often incentives were used, by what sorts of industries, size of company, size of investment, how many jobs were created, how much tax revenue has been or soon will be generated. This information, with information collected ongoing from surveys with businesses using the incentives and businesses not able to use the incentives (and an explanation why) will help the DED continue to perfect incentives that are working, delete incentives that are not working and create new incentives. The DED realizes that the challenges faced by companies now will not be the same as those to be faced by companies five years from now. The DED will also gather information from qualifying businesses about how much of a difference the incentives really made in the decision to move to the zone or expand in the zone. The DED wants to insure that the local incentives are truly incentives and not just "rewards" for businesses making an investment or creating jobs anyway.

It is the expectation of the DED that the City will never have to file a five-year report because the program will have been amended before five years go by in order to improve the incentives, and at times the boundaries.

The DED amended the current zone three times in the past 20 years. The first was in the early 1990s, then 1996 and again in 2002. The incentives were amended every time and the boundaries only once. The last amendment in 2002 was precipitated by an internal audit conducted by the Office of the City Auditor. The audit served to point out many needs the program had, including creating SOPs, keeping better data on companies, amending the incentives so that they were better used and the need for frequent surveys of businesses to find out what was needed.

It has been the experience of the DED that collecting information for the Annual Reports is extremely helpful in determining if an amendment may be needed. This Annual Report process allows the adminstrator to get a better picture of the life of the zone, and also serves as a valuable opportunity to educate City leadership on the zone and the activity within the zone.

Blank page inserted itself and could not be removed.

# Section IV. Program Implementation E. Implementation Plan Required chart on page 20 is completed and attached Each application must include as part of the implementation plan, a chart for the overall marketing of the zone based on the discussion in Question B.

Incentive Chart

roposed Enterprise Zone Name:	
Incentive #, Name, and Description: Incentive #1, Façade Grant: The City of Roanoke, through a grant through the Industrial Development Authority, will reimburse owners that improve the appearance of their building façade 33% of the cost of renovation, capped at \$25,000 per project.	Provider: City of Roanoke through the Industrial Development Authority Qualification Requirements: Application must be made before work can commence. Fiscal limit is \$100,000; first come, first serve. Some residential component is allowed in the building as long as 20% remains devoted to commercial uses.  Period of availability: For the life of the zone  Source of funds: General Revenue
Financial Value of Incentive: This is an existing incentive for the City of Roanoke Enterprise Zone program. In the first year the average grant amount was \$16,273.53.	Effective date: Immediately Upon City Council Adoption of Enterprise Zone Ordinance  Exclusive to zone: Yes No, if no please explain how zone incentives will be addressed
Incentive #, Name, and Description: Incentive #2, Rehabilitation of Existing	Provider: City of Roanoke

Structures Real Estate Tax Exemption:	Qualification Requirements:
A real estate tax exemption is available to	—Building must be of 15 years of age or more
businesses for increasing the assessed	—Assessed value must be increased by at least
value of an existing commercial or	\$50,000
industrial building through renovation.	—The exemption remains with the building, not
	with the owner of the building, for a period of
	seven years and begins on July 1 of the year
	following completion of the rehabilitation or
	renovation and approval of the application for
	exemption
	—The maximum tax exemption for any
	individual building over the seven-year period is \$100,000
	—Some residential component is allowed in the
	building as long as 20% remains devoted to
	commercial uses.
	Period of availability:
	For the life of the zone.
	Source of funds:
	Foregone Revenue
Financial Value of Incentive:	Effective date:
The minimum value of this incentive is	Immediately Upon City Council Adoption of
\$4,235 over a seven year period. The	Enterprise Zone Ordinance
maximum is \$100,000. DED estimates the	Exclusive to zone:
average benefit would be from \$7,500-	Yes
\$10,000 per seven year period.	☐ No, if no please explain how zone incentives will be addressed
	incentives will be addressed

Provider: City of Roanoke         Qualification Requirements:       City Rebates         \$1,000,000 or more       100%         \$900,000-\$999,999.99       90%         \$800,000-\$899,999.99       80%         \$700,000-\$799,999.99       70%         \$600,000-\$699,999.99       60%         \$500,000-\$599,999.99       50%         \$400,000-\$499,999.99       40%         \$300,000-\$399,999.99       30%
Amount Invested City Rebates \$1,000,000 or more 100% \$900,000-\$999,999.99 90% \$800,000-\$899,999.99 80% \$700,000-\$799,999.99 70% \$600,000-\$699,999.99 60% \$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
Amount Invested City Rebates \$1,000,000 or more 100% \$900,000-\$999,999.99 90% \$800,000-\$899,999.99 80% \$700,000-\$799,999.99 70% \$600,000-\$699,999.99 60% \$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
\$1,000,000 or more 100% \$900,000-\$999,999.99 90% \$800,000-\$899,999.99 80% \$700,000-\$799,999.99 70% \$600,000-\$699,999.99 60% \$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
\$900,000-\$999,999.99 90% \$800,000-\$899,999.99 80% \$700,000-\$799,999.99 70% \$600,000-\$699,999.99 60% \$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
\$800,000-\$899,999.99 80% \$700,000-\$799,999.99 70% \$600,000-\$699,999.99 60% \$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
\$700,000-\$799,999.99 70% \$600,000-\$699,999.99 60% \$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
\$500,000-\$599,999.99 50% \$400,000-\$499,999.99 40%
\$400,000-\$499,999.99 40%
\$400,000-\$499,999.99 40%
\$300,000-\$399,999,99
γ φ σ σ σ γ σ σ σ σ σ σ σ σ σ σ σ σ σ σ
\$250,000-\$299,999.99 20%
\$125,000-\$249,999.99
\$0-\$124,999.99 0%
Some residential component is allowed in the
building as long as 20% remains devoted to commercial uses.
Period of availability: For the life of the zone.
Source of funds: General Revenue
Effective date: Upon Council Adoption of EZ Ordi
Exclusive to zone:
No, if no please explain how zone
incentives will be addressed
Provider: City of Roanoke

Fees Rebate for New Building Construction	Qualification Requirement	s:
and the Rehabilitation of Existing	Amount Invested	City Rebates
Buildings:	\$1,000,000 or more	100%
City rebates up to 100% of water, fire, and	\$900,000-\$999,999.99	90%
sewer hookup fees, after documentation of	\$800,000-\$899,999.99	80%
a permanent certificate of occupancy, for	\$700,000-\$799,999.99	70%
businesses undertaking new building	\$600,000-\$699,999.99	60%
construction investment and the	\$500,000-\$599,999.99	50%
investment in the rehabilitation of existing	\$400,000-\$499,999.99	40%
buildings of at least \$125,000.	\$300,000-\$399,999.99	30%
	\$250,000-\$299,999.99	20%
}	\$125,000-\$249,999.99	10%
	\$0-\$124,999.99	0%
	Some residential compone	nt is allowed in the
į	building as long as 20% re	mains devoted to
1	commercial uses.	
	Period of availability: For t	he life of the zone
	Source of funds: General F	Revenue
Financial Value of Incentive: This is an	Effective date: Immediately	Unon City Council
existing incentive for the City of Roanoke Enterprise Zone program. The value of this	Adoption of Enterprise Zor	
incentive can fluctuate wildly depending on the investment. Rebates can be from \$600	Exclusive to zone:	
to several thousand dollars.	No, if no please e	xplain how zone
	incentives will be ad	

Daniel Entermine Zero Namer		
Proposed Enterprise Zone Name: Incentive #, Name, and Description: Incentive #5, Fire Suppression Retro-Fit Five-Year Grant and Connection Fee Rebate: A grant, through the Idustrial Development Authority, to offset costs of having fire suppression line installed in older industrial and commercial buildings when not required by code.	Provider: City of Roanoke  Qualification Requirements: Year One — 50% of monthly fire service charge Year Two — 40% of monthly fire service charge Year Three — 30% of monthly fire service charge Year Four — 20% of monthly fire service charge Year Five — 10% of monthly fire service charge Some residential component is allowed in the building as long as 20% remains devoted to commercial uses.  Period of availability: For the life of the zone.	
Financial Value of Incentive: This value of the incentive would vary depending on line	Source of funds: General Revenue  Effective date: Immediately Upon City Council Adoption of Enterprise Zone Ordinance	
size, but the total value for any one building for a five year period would be from \$1,620 - \$14,370 plus connection charge rebate of anywhere from \$6,000 - \$12,000.	Exclusive to zone: Yes No, if no please explain how zone incentives will be addressed	
Incentive #, Name, and Description: Incentive #6, Neighborhood/Parks and Recreation Grant: Neighborhood grants to neighborhood associations and parks improvements grants for neighborhood parks improvement.	Provider: City of Roanoke  Qualification Requirements: Must be in a neighborhood in or in a Census Tract contiguous to the Zone; neighborhood grants will be for \$500 to be used for signage, beautification and community events (fiscal limit: \$2,500); neighborhood parks improvement grants will be for making substantial improvements to neighborhood parks (fiscal limit: \$10,000).	

	Period of availability: For the life of the zone
	Source of funds: General Revenue
Financial Value of Incentive: \$500 per approved applicant for signage, beautification and community events;	Effective date: Immediately Upon City Council Adoption of Enterprise Zone Ordinance
estimated \$2,500 for other grant types.	Yes  No, if no please explain how zone incentives will be addressed

Proposed Enterprise Zone Name:	
Incentive #, Name, and Description: Incentive #7, Star City Business Watch Program/Business Security Grant: Facilitate a partnership between the business community and the Roanoke City Police Department to create a safer environment for businesses, employees and consumers and promote crime prevention strategies. A Business Security Grant would offset the cost of security	Provider: City of Roanoke (Police Department and Department of Economic Development)
	Qualification Requirements: In order to get a Business Security grant, a business must complete the Star City Watch Business Program with the Police Department (Star City Watch is a city-wide program.)
measures such as lighting, vegetation and other suggestions that were a part of the Start City Business Watch program. Grants	Period of availability: for the life of the zone
will be made through the Industrial Development Authority.	Source of funds: General Revenue
Financial Value of Incentive: Security grants will cover 50% of security up fit expenses, up to \$500.	Effective date: Immediately Upon City Council Adoption of Enterprise Zone Ordinance
	Exclusive to zone: Yes In No, if no please explain how zone incentives will be addressed
Incentive #, Name, and Description: Incentive #8, Job Training Grants:	Provider: City of Roanoke
Any business qualifying for Department of Business Assistance (DBA) job training assistance can qualify for a grant from the City of Roanoke. Grants will be made through the Industrial Development Authority.	Qualification Requirements: The business must qualify for job training assistance from the Virginia Department of Business Assistance in order to qualify for this incentive.
	Period of availability: For the life of the zone
	Source of funds: General Revenue
Financial Value of Incentive: The value would depend on the per position grant received from the DBA.	Effective date: Immediately Upon City Council Adoption of Enterprise Zone Ordinance

Exclusive to zone: Yes No, if no please explain how zone incentives will be addressed

#### MARKETING IMPLEMENTATION PLAN

#### Short-Term Timeframe

MARKETING OBJECTIVE: INCREASE NUMBER OF BUSINESSES THAT QUALIFY FOR EZ PROGRAM		SPECIFIC TECHNIQUE: INCREASE AWARENESS OF PROGRAM AMONG ED PARTNERS, WITHIN THE CITY AND BUSINESS COMMUNITY	
COMMITMENT/ACTION(S) TO BE TAKEN:	COMPLETION DATE:	RESPONSIBLE STAFF/ORGANIZATION(S):	DESIRE IMPACTS:
EDUCATE ECONOMIC DEVELOPMENT PARTNERS ON THE PROGRAM AND IMPROVED INCENTIVES.	March 2004	DED	Create knowledgeable ED partners
2. EDUCATE CITY LEADERSHIP ON THE NEW PROGRAM	March 2004	DED	INCREASE AWARENESS OF PROGRAM AMONG CITY STAFF THAT WORK WITH BUSINESSES
3. Public workshop on program and new incentives	March 2004	DED	CREATE AWARENESS OF PROGRAM AS WELL AS THE "HOW-TO" TO TAKE ADVANTAGE OF THE PROGRAM
<u>TARGET MARKETS:</u> All existing Zone businesses and prospective businesses.			

MARKETING OBJECTIVE: INCREASE NUMBER OF BUSINESSES THAT QUALIFY FOR EZ PROGRAM		SPECIFIC TECHNIQUE: INCREASE AWARENESS OF PROGRAM THROUGH INTERACTION OF OTHER CITY	
		DEPARTMENTS WITH BUSINESSES	
COMMITMENT/ACTION(S) TO BE TAKEN:  1. DEVELOP CAPABILITY TO IDENTIFY ZONE LOCATION VIA THE BUSINESS LICENSING SYSTEM IN THE COMMISSIONER OF THE REVENUE'S OFFICE	COMPLETION DATE: DEC. 2004	RESPONSIBLE STAFF/ORGANIZATION(S): DED/DEPT, OF TECH./COMMISSIONERS	DESIRE IMPACTS: REACH BUSINESSES DED MAY NOT HAVE CONTACT WITH OTHERWISE
2. Develop capability to identify zone location via the Building Permit system in the Development Assistance Center	DEC. 2004	DED/DEPT. OF TECH./DAC	REACH BUSINESSES DED MAY NOT HAVE CONTACT WITH OTHERWISE
3. UPDATE ECONOMIC DEVELOPMENT PARTNERS ON THE PROGRAM AND INCENTIVES ANNUALLY	ONGOING	DED	Create knowledgeable ED partners
4. UPDATE CITY LEADERSHIP ON THE PROGRAM AT ANNUAL INTERVALS	ONGOING	DED	INCREASE AWARENESS OF PROGRAM AMONG CITY STAFF THAT WORK WITH BUSINESSES
TARGET MARKETS:			
All existing Zone businesses and prospective businesses.			

MARKETING OBJECTIVE:		SPECIFIC TECHNIQUE:		
INCREASE NUMBER OF BUSINESSES THAT QUALIFY FOR EZ PROGRAM		INCREASE AWARENESS OF PROGRAM AMONG EXISTING BUSINESSES		
COMMITMENT/ACTION(S) TO BE TAKEN:  1. UPDATE MARKETING INFORMATION AND CREATE NEW PIECES TO MARKET THE PROGRAM	COMPLETION DATE: JUNE 2004	RESPONSIBLE STAFF/ORGANIZATION(S): DED	DESIRE IMPACTS: INCREASE AWARENESS AND USE OF PROGRAM	
2. UPDATE GIS TO REFLECT AS A LAYER NEW ZONE	January 31, 2004	DEPT. OF TECHNOLOGY	PROVIDE AS MUCH INFORMATION ONLINE AS POSSIBLE FOR BUSINESSES	
3. ENCOURAGE LOCAL NEWSPAPERS AND BUSINESS JOURNALS TO REPORT ON NEW ZONE	June 2004	DED/OFFICE OF COMMUNICATIONS	INCREASE AWARENESS/USE OF PRGRAM	
4. APPEAR ON LOCAL ECONOMIC DEVELOPMENT PROGRAMS, HAVE ANNOUNCEMENTS ON LOCAL GOVERNMENT CABLE CHANNEL'S BULLETIN BOARD	June 2004	DED/OFFICE OF COMMUNICATIONS	INCREASE AWARENESS/USE OF PRGRAM	
TARGET MARKETS: All existing Zone businesses and prospective businesses.				

#### Five-year Timeframe

INCREASE NUMBER OF BUSINESSES THAT QUALIFY FOR EZ PROGRAM		INCREASE AWARENESS OF PROGRAM AMONG EXISTING BUSINESSES	
Commitment/Action(s) to be Taken:	COMPLETION DATE:	Responsible Staff/Organization(s):	Desire Impacts:
1. PUBLIC WORKSHOP ON PROGRAM AND NEW INCENTIVES	Annually	DED	CREATE AWARENESS OF PROGRAM AS WELL AS THE "HOW-TO" TO TAKE ADVANTAGE OF THE PROGRAM
2. UPDATE MARKETING CD ROM	June 2005	DED	Maintain up-to-date marketing materials
3. HOLD OPEN HOUSES FOR BUSINESSES	Quarterly	DED/Planning	CONTINUALLY REACH OUT TO BUSINESSES TO ASSIST IN QUALIFYING
4. MONTHLY BUSINESS VISITS	Ongoing	DED	To meet with EZ businesses and share program details
Target Markets: All existing Zone businesses			

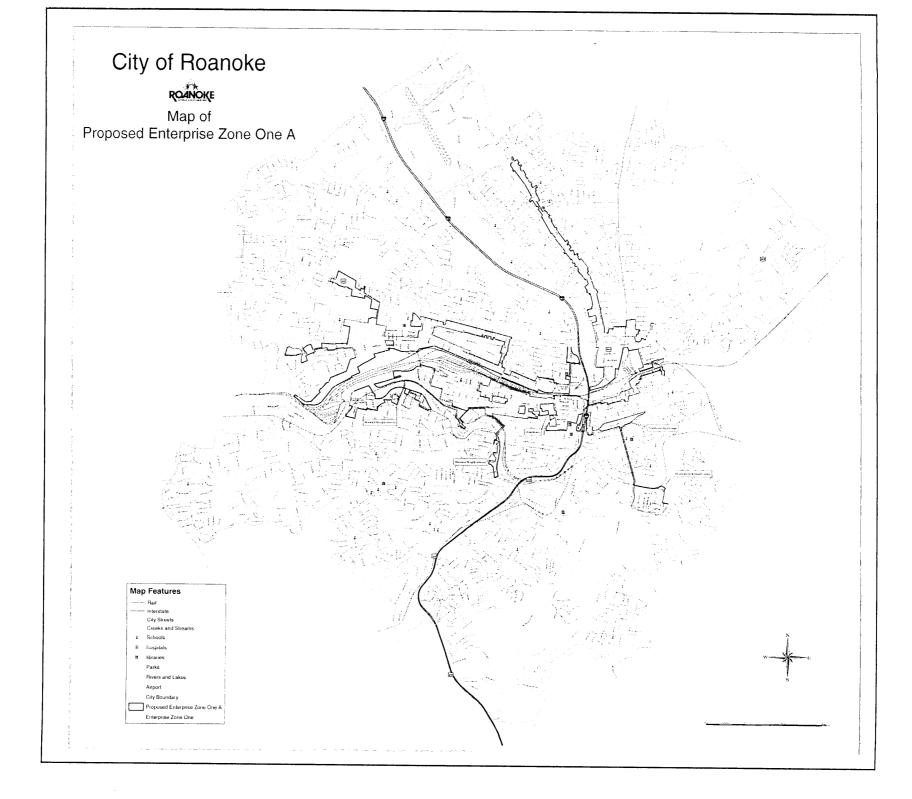
#### Short-Term Timeframe

MARKETING OBJECTIVE:		SPECIFIC TECHNIQUE:	
POSITIVELY IMPACT THE NEIGHBORHOODS MAKING UP ZONE		EDUCATE CITY STAFF THAT WORK WITH NEIGHBORHOODS	
COMMITMENT/ACTION(S) TO BE TAKEN:	COMPLETION DATE:	RESPONSIBLE STAFF/ORGANIZATION(S):	DESIRE IMPACTS:
Make presentations to city departments that work with the neighborhoods	June 2004	DED	INC REASE AWARENESS OF INCENTIVE
TARGET MARKETS: All neighborhoods that are in or share boundaries with	the zone		

Five-year Timeframe

MARKETING OBJECTIVE:		SPECIFIC TECHNIQUE:			
POSITIVELY IMPACT THE NEIGHBORHOODS MAKING UP ZONE EDUCATE NIEGHBORHOOD GROUPS ABOUT INCENTIVE					
COMMITMENT/ACTION(S) TO BE TAKEN:  1. MAKE PRESENTATIONS TO NEIGHBORHOOD GROUPS	COMPLETION DATE: JUNE 2004-JUNE 2005	RESPONSIBLE STAFF/ORGANIZATION(S): DED	DESIRE IMPACTS: INCREASE USAGE OF INCENTIVE		
TARGET MARKETS: All neighborhoods that are in or share boundaries with the	e zone				

Council Report #003-00179 Attachment 2



#### Description of Proposed Enterprise Zone One A

Enterprise Zone One A shall consist of portions of downtown; the industrially and commercially zoned areas west of downtown; the industrial corridor along Shenandoah Avenue north of the Norfolk Southern Rail Lines, continuing along Shenandoah Avenue until Peters Creek Road, and continuing along the NS lines until Peters Creek Road; industrially zoned properties to the south of Salem Turnpike, contiguous with the Shenandoah Avenue corridor; industrially zoned properties in and around the Norwich Neighborhood; some industrially zoned properties north of the Norwich Neighborhood north of the Roanoke River; the industrially and some of the commercially zoned properties in and around the Wasena Neighborhood, specifically along the Main Street Village Center and along Eighth Street; the Roanoke Industrial Center off of Ninth Street; the commercially zoned properties comprising the Southeast By Design project area; industrially and commercially zoned properties in the Southeast Quadrant of the City immediately south of the Norfolk Southern Rail Lines; industrially and commercially zoned properties in the Gainsboro Neighborhood; the 11th Street Commercial Village Center; commercially zoned properties to the north and south of Orange Avenue from 11<sup>th</sup> Street to 24<sup>th</sup> Street; commercially zoned properties north of Melrose Avenue between 11th Street and 24th Street; larger commercially zoned properties on Melrose Avenue between 31st Street and Adams Street; commercially zoned properties along Williamson Road north of Rutherford Avenue and south of Hershberger Road; and the industrially and commercially zoned properties to the north and south of Orange Avenue east of Williamson and west of Tinker Creek. A map of the proposed Enterprise Zone One A is attached.

# Item A.6. Enterprise Zone One A Map Attached Separately

BITI

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to apply to the Virginia Department of Housing and Community Development to have a certain area of the City designated as an Enterprise Zone that will replace the City's Enterprise Zone One, which expires on December 31, 2003.

WHEREAS, the Virginia Enterprise Zone Act of 1982, as amended, authorizes the Governor to designate up to 5 additional areas within the Commonwealth as Enterprise Zones as of January 1, 2004, thus making qualified business firms which locate or expand within such a Zone eligible for significant benefits, including credits on state taxes and local incentives;

WHEREAS, the City of Roanoke has an area within the City as shown on the Enterprise Zone

One A map and described in attachments to the letter of the City Manager to Council dated

September 15, 2003, that is eligible for designation as an Enterprise Zone;

WHEREAS, the City of Roanoke Enterprise Zone One designation expires on December 31, 2003, and it is important to the City of Roanoke to continue to have an Enterprise Zone in the same general area as Enterprise Zone One;

WHEREAS, a public hearing was held on this matter on September 15, 2003, at which public hearing citizens and parties in interest were afforded an opportunity to be heard on such matter; and

WHEREAS, the designation of an area of the City as an Enterprise Zone has the potential to continue to stimulate significant private sector investment within the City in an area where such business and industrial growth would result in much needed revitalization.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke is hereby applying for Enterprise Zone designation for that area

H:\Measures\enterprise sone one 1.doc



Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Amendment of subsections (a) and (c) of Section 36.1-345, District regulation; certificate of appropriateness, of the Code of the City of Roanoke (1979), as amended, to address the installation or

replacement of siding.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 21, 2003. By a vote of 6-0 (Mr. Butler absent), the Commission recommended approval of the proposed amendments.

#### Background:

The H-2, Neighborhood Preservation District, covers a large portion of the Southwest Historic District, which is listed on the Virginia Landmarks and National Register of Historic Places. Its intent is to ensure the preservation of buildings which, in their aggregate or individually, are of special community significance. One of the specific purposes of the H-2 district is to "encourage preservation, protection, and enhancement of streetscapes, structures and areas of architectural, historic or cultural importance."

Subsections 36.1-345 (a) & (c) of the H-2 regulations are proposed to be amended so that the residents of the Southwest Historic District can better preserve, protect, and enhance their streetscapes and structures. A great concern facing the district is the inappropriate installation or replacement of siding. An effective way to further the intent of the H-2 preservation district is to require an applicant to apply for a

Certificate of Appropriateness from the Architectural Review Board (ARB) for the installation or replacement of siding.

In general, Section 36.1-345(a) provides that the installation or replacement of any exterior structure in the H-2, Neighborhood Preservation District, requires a Certificate of Appropriateness. A structure is defined as anything which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, such as a wall, building, fence, sign. However, the ordinance has provisions which exempt certain activities from the general requirement of obtaining a Certificate of Appropriateness. First, Section 36.1-345(b) provides that activities of ordinary maintenance such as painting and minor repairs that are of a frequent or maintenance related nature, do not require a Certificate of Appropriateness. Section 36.1-345(c) currently provides that the installation or replacement of certain architectural elements of a structure, such as siding, porches, stairs, roofing materials, windows do not require a Certificate of Appropriateness provided that the installation and replacement is performed using materials which are of the same design as those on the structure and provided that such installation maintains the defining architectural features of the structure.

Thus, under the current ordinance, an applicant is not required to obtain a Certificate of Appropriateness for the installation or replacement of siding, as long as the applicant is using materials which are of the same design as the siding existing on the building and which maintain the architectural defining features of the building. Because of the significance that the installation or replacement of siding can have on the appearance of a neighborhood and the architectural integrity of its historic character, the ARB is requesting that an applicant be required to obtain a Certificate of Appropriateness from the Board for such work, just as an applicant would have to when he wishes to make most other exterior changes to a property.

#### Considerations:

The H-2, Neighborhood Preservation District, is intended to ensure the preservation of buildings which, in their aggregate or individually, are of special community significance. Requiring an applicant to obtain a Certificate of Appropriateness for the installation or replacement of siding allows the staff and the Architectural Review Board an opportunity for review of proposed applications to ensure that the installation does not have an adverse impact on the architectural integrity of the structure and the neighborhood.

Brian Townsend presented the staff report on the proposed amendment, and outlined the review process undertaken for the replacement or installation of siding pursuant to the current wording of the ordinance. Given the fundamental importance of the role of siding/cladding to the architectural character of any structure in the H-2 District, staff recommended that all applications for replacement or installation should be considered by the ARB.

Numerous questions were asked by Commissioners Scholz and Williams regarding the use of various materials for siding purposes, and the impacts on the process of evaluation of requests given the proposed changes to the regulations. Mr. Chrisman stated concerns regarding the impact on property owners having to wait for a review before the ARB rather than having their siding request handled administratively. Staff responded that the question of the appropriateness of siding materials, their application, and impact on the architectural character and details of structures were more critical to the long term benefit of the historic district as a whole versus the additional time that any one applicant would have to wait to have a hearing before the ARB, which is generally thirty days or less.

Staff further clarified that only one particular activity, the installation and replacement of siding, was being removed from a list of other items that could still continue to be considered administratively for approval. Mr. Manetta stated that the ARB, appointed by City Council and comprised of a range of professions including architecture and engineering, historic preservation, and the building trades, were a better resource to be used to consider such important matters for the historic district rather than an administrative procedure.

Citizens present who spoke in favor of the proposed amendment were Mr. Robert Richert (415 Allison Avenue), Chairman of the Architectural Review Board, Mr. Donald Harwood (Hill Studio, 120 Campbell Avenue, S.W.), Architectural Review Board member, and Mr. Christopher Muse (617 6<sup>th</sup> Street S.W.).

Ms. Prince stated that as a resident of the H-2 District in Old Southwest she supported ensuring that standards were maintained, and that individuals who purchase properties in the historic district should be aware of the higher standards of review, and that the review by the ARB for the installation and replacement of siding was for the long term benefit of the district. Mr. Rife commented that having all requests for siding installation and replacement considered by the ARB would ensure that each applicant was treated in the same manner and would support the integrity of the review process.

#### Recommendation:

The Planning Commission recommends that City Council approve the proposed amendment. The amendment furthers the intent of the Zoning Ordinance and the H-2 District to protect the Southwest Historic District and to maintain the architectural integrity of structures in the neighborhood.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

Darlene L. Burcham, City Manager cc:

Rolanda Russell, Assistant City Manager for Community Development William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-345, <u>District regulations</u>; <u>certificate of appropriateness</u>, of Subdivision D, H-2, <u>Neighborhood Preservation District</u>, of Division 5, <u>Special District Regulations</u>, of Article III, <u>District Regulations</u>, of Chapter 36.1, <u>Zoning</u>, of the Code of the City of Roanoke (1979), as amended, by amending subsections (a) and (c) to address the installation or replacement of siding; and dispensing with the second reading by title of this ordinance.

#### BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. Section 36.1-345, <u>District regulations</u>; <u>certificate of appropriateness</u>, of Chapter 36.1, <u>Zoning</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained, by amending subsections (a) and (c), to read and provide as follows:
  - (a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, *including the installation or replacement of siding*, or reduction in their floor area, including the enclosure or removal of a porch. No such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.

(c) The installation or replacement of siding, or the replacement of porches, stairs, awnings, roofing materials, windows, or other similar modifications to an element of a building, structure, or landmark shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.

\* \* \*

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED TWENTY-FIVE (\$25,000,000) PRINCIPAL MILLION DOLLARS **AMOUNT OF** REVENUE OBLIGATIONS OF THE CITY OF ROANOKE, VIRGINIA, IN THE FORM OF SEWER REVENUE BONDS OF THE CITY OF ROANOKE, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL IMPROVEMENTS TO THE SEWER SYSTEM OF THE CITY, A REVENUE-PRODUCING UNDERTAKING OF THE CITY, SUCH CAPITAL IMPROVEMENTS CONSTITUTING WASTEWATER TREATMENT FACILITIES WITHIN THE MEANING OF TITLE 62.1, CHAPTER 22, SECTION 62.1-224, OF THE CODE OF VIRGINIA, 1950; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS: PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY ("VRA"), AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, TO EVIDENCE THE BORROWING TO BE MADE BY SUCH CITY FROM VRA PURSUANT TO A FINANCING AGREEMENT BY AND BETWEEN VRA AND SUCH CITY; APPROVING THE FORM AND THE TERMS, CONDITIONS AND PROVISIONS OF SUCH FINANCING AGREEMENT AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY THEREOF; AND APPOINTING THE DIRECTOR OF FINANCE AS REGISTRAR AND PAYING AGENT FOR SUCH BONDS

WHEREAS, in the judgment of the Council (the "Council") of the City of Roanoke, Virginia (the "City"), it is desirable to authorize the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) principal amount of revenue obligations of the City in the form of Sewer Revenue Bonds to provide funds to pay the cost of capital improvements to the sewer system of the City, a revenue-producing undertaking of the City, such capital improvements constituting wastewater treatment facilities within the meaning of Title 62.1, Chapter 22, Section 62.1-224, of the Code of Virginia, 1950;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991, and the Charter of the City, for the purpose of providing funds to pay the cost of capital improvements to the sewer system of the City, a revenue-producing undertaking of the City, such capital improvements constituting wastewater treatment facilities within the meaning of Title 62.1, Chapter 22, Section 62.1-224, of the Code of Virginia, 1950, there are authorized to be issued not to exceed Twenty-Five Million Dollars (\$25,000,000) principal amount of revenue bonds of the City to be designated "City of Roanoke,

432272.1 026378 RES

Virginia, Sewer Revenue Bonds" (the "Bonds"). The Bonds shall bear the series designation "Series 2003B" or such other series designation as shall be determined by the City Manager or the Director of Finance.

SECTION 2. The Bonds shall be issued to the Virginia Resources Authority ("VRA") as administrator of the Virginia Water Facilities Revolving Fund (the "Fund"), pursuant to the terms, conditions and provisions of, and to evidence the borrowing to be made by the City from VRA under, a Commitment Letter, dated August 25, 2003 (the "Commitment Letter"), from VRA to the City, a copy of which is filed with the minutes of the meeting at which this Resolution is being adopted, and a Financing Agreement (the "Financing Agreement"), by and between VRA, as administrator of the Fund, and the City, as the Borrower thereunder, such Financing Agreement to be in substantially the form presented to and filed with the minutes of the meeting of this Council at which this Resolution is being adopted. The form of the Financing Agreement and the terms, conditions and provisions thereof are hereby approved by this Council, and the City Manager or the Director of Finance is hereby authorized and directed to execute and deliver to VRA a Financing Agreement in such form, together with such changes as the City Manager or the Director of Finance executing the same shall approve upon the advice of counsel (including the City Attorney and Bond Counsel to the City), such approval to be conclusively evidenced by the execution and delivery thereof by the City Manager or the Director of Finance. In accordance with the terms, conditions and provisions of the Commitment Letter and the Financing Agreement, as the same may be amended from time to time, the Bonds shall have a term of not exceeding the term provided for in the Financing Agreement as executed, shall bear interest at the rate of not to exceed six per centum (6.00%) per annum and shall mature on such dates (provided that the final maturity date of the Bonds shall not be later than thirty (30) years after the dated date of the Bonds) and in such principal amounts as shall be specified in the Financing Agreement and the form of the Bond attached thereto as Exhibit A.

SECTION 3. The revenues of the sewer system of the City are irrevocably pledged to the punctual payment of the principal of the Bonds as the same become due and payable, and the Bonds shall be secured solely by and payable solely from such revenues. The Bonds shall be secured on a parity basis with the City's "Existing Parity Bonds" set forth at Appendix F to the Financing Agreement.

The City Council hereby covenants with and for the benefit of the registered owners of the Bonds that so long as any Bond shall remain outstanding the rates, rents, fees or other charges for the services and facilities furnished by, or for the use of, or in connection with the revenue-producing undertaking of the City consisting of the sewer system of the City shall be fixed and maintained at the level that will produce sufficient revenue in each year to satisfy the rate covenants set forth in the Financing Agreement, to pay the cost of operation and administration of such sewer system, the cost of insurance against loss by injury to persons or property and the principal of the Bonds when due and payable and to provide reserves for such purposes.

SECTION 4. The Bonds shall be executed, for and on behalf of the City, by the manual signatures of the Mayor and the City Treasurer of the City and shall have the corporate seal of the City impressed thereon, attested by the manual signature of the City Clerk of the City.

The Bonds shall be in substantially the form set forth as Exhibit A to the definitive form of the Financing Agreement.

The Director of Finance is hereby appointed as the Registrar and Paying Agent for the Bonds.

SECTION 5. The City Manager, the Director of Finance, the City Treasurer, the City Attorney, the City Clerk and other appropriate officers and employees of the City shall take all actions as shall be necessary to carry out the provisions of this Resolution.

SECTION 6. All resolutions in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the "Local Resolution" as such term is defined in Section 1.1 of the Financing Agreement.

SECTION 7. The City Clerk is hereby directed to file a copy of the Resolution, certified by such City Clerk to be a true and correct copy hereof with the Circuit Court of the City.

SECTION 8. The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

SECTION 9. This Resolution shall take effect upon its adoption.

ATTEST:

City Clerk.

# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice-Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council

Subject: Capital Maintenance and

Equipment Replacement Program

(CMERP)

#### Background:

Section 2-189 of the City Code establishes a reserve from the year-end general fund balance for the funding of capital improvements and capital maintenance and equipment replacement. The amount reserved from the undesignated fund balance is calculated as ten (10) percent of total general fund appropriations less any sums paid for general fund debt service during the fiscal year. CMERP funding available for appropriation totals \$2,480,773

In addition, funding from the Commonwealth of Virginia for highway and street maintenance will increase \$229,076 above the estimate established with the adoption of the FY 2003-04 General Fund budget. Also, funding in the amount of \$93,804 in Capital Improvement Reserve funding for street related projects is designated for the Campbell Avenue Two-Way Traffic project and needs to be appropriated. The total of all funding sources available for appropriation is \$2,803,653.

#### Considerations:

A list of CMERP funding recommendations is attached (Attachment 1) and addresses the following categories:

•	Contributions/Commitments Capital Projects Fixed Asset Maintenance Operational Equipment Other Vehicular Replacement	\$	466,170 921,728 391,589 180,398 618,768 225,000
To	otal	\$2	,803,653

Department CMERP funding requests totaled approximately \$4.9 million in non-technology and non-vehicular related items/initiatives. Requests for technology related items/initiatives totaled an additional \$3.0 million. Technology requests are reviewed and prioritized by the Information Technology Committee, and a separate report will recommend appropriation of funds for technology needs. All vehicular requests are reviewed by the Fleet Management Division Manager and evaluated based upon an approved set of replacement criteria.

#### Recommended Action:

Authorize the Director of Finance to increase the revenue estimate for highway maintenance in the amount of \$229,076.

Transfer funding in the amount of \$93,804 from Capital Improvement Reserve – VDOT Match to accounts as detailed on the attachment.

City Council concur with the CMERP funding recommendations and appropriate funding to the proper accounts as detailed on the attachment.

Respectfully submitted,

Darlene L. Bureham

City Manager

#### Attachment

#### DLB:acm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Sherman M. Stovall, Budget Administrator

CM03-00189

#### Attachment 1

#### Capital Maintenance and Equipment Replacement Program (CMERP)

#### **Recommended Expenditures – Justification**

#### Contributions/Commitments - \$466,170

- 1. <u>Grandin Theater \$80,000</u> Funding is the second of five installments and will be utilized to fulfill the City's obligation to the Grandin Theater revitalization.
- 2. <u>Virginia Western Community College \$34,170</u> This funding will support the construction of a covered sidewalk and sidewalk improvements on the college campus.
- 3. <u>Center in the Square \$77,000</u> This funding will provide the second of two installments to replace the Center's roof.
- **4.** <u>Mill Mountain Zoo \$175,000</u> This funding will provide the necessary amount for a water system upgrade.
- 5. <u>Total Action Against Poverty/Dumas \$100,000</u> Funding will provide the first of five planned installments to support the renovation of the Dumas facility.

#### Capital Projects - \$921,728

- 1. Parks & Recreation Individual Park Site Master Plan \$10,600 This funding will provide for the completion of a Master Plan for Mill Mountain.
- 2. <u>Economic Development Market Building \$911,128</u> This funding will be utilized to replace the existing HVAC system in the City Market Building.

#### Fixed Asset Maintenance - \$391,589

- Facilities Management Building Repairs \$388,089 These funds will be utilized to address building capital repair needs as identified in Phases I & II of the Building Conditions and Assessment Program (BCAP). Approximately \$235,000 of this funding is a carry forward from FY 2002-03.
- 2. Parks & Recreation Maintenance \$3,500 This funding will be used to make necessary improvements to the Tazewell Avenue Cemetery.

Highway F as a resident

#### Operational Equipment - \$180,398

1. <u>Engineering – Topcon Total Station Electronic Distance Measurement Device – \$10,000</u> – Funding will be utilized to purchase equipment to replace existing surveying equipment.

#### 2. Police

- a. <u>Tactical Level IIIA Ballistic Vests \$25,000</u> This funding will be used to purchase twenty (20) vests which are no longer within warranty and deemed unsafe to be simply upgraded.
- **b.** Bomb Squad \$17,000 Funding will provide for equipment and the training of one officer.
- c. <u>Vehicle Equipment \$8,615</u> This funding will be utilized to purchase replacement equipment for police vehicles such as switch boxes, siren boxes, replacement domes, vector bars and siren speakers.
- 3. Parks & Recreation Damaged Equipment Replacement \$69,485 These funds, provided through insurance proceeds, will be utilized to replace equipment damaged during recent flooding.
- 4. <u>Civic Facilities Damaged Equipment Replacement \$11,450</u> These funds, provided through insurance proceeds, will be utilized to replace equipment damaged during recent flooding.
- 5. <u>Transportation Snow Removal Equipment \$18,000 This funding will be utilized to purchase two walk-behind snow blowers and two Harder Dump Box Spreaders.</u>
- 6. <u>Traffic Engineering Sign Making Equipment \$7,000</u> These funds will be utilized to purchase Gerber Scientific Sign Making equipment.
- 7. <u>Solid Waste Toters \$13,848</u> Funds will be utilized to purchase 330 garbage toters/containers to be utilized for trash pick-up.

#### Other - \$618,768

1. <u>Sheriff – Inmate Work Release Program – \$3,601</u> – Funding will be used for the Inmate Work Release Program and is a carry forward of program revenue in excess of budget.

#### 2. Parks & Recreation

- a. <u>Vending Machine Kiosk \$15,000</u> This funding is a carry forward from FY03 of donations for the construction of a vending machine kiosk on Mill Mountain.
- **b.** Youth Services Special Projects \$56,131 Funding is a carry forward from FY03 and will be used for youth activities. Funding was

- not spent in FY03 due to efforts to get input and support from the Youth Commission.
- c. <u>Hangers for Flower Baskets \$11,550</u> This funding will provide for the purchase of hangers for flower baskets to be installed on the Walnut Bridge and the Jefferson Bridge.
- d. <u>Tree Canopy Restoration Program \$24,500</u> Funds will be utilized to further implement a localized tree canopy restoration program.
- 3. <u>Library Planning Study \$100,000</u> This funding will be used to support the completion of a library planning study.
- 4. <u>Police Dedicated Reimbursements \$32,525</u> Funding is a carry forward from FY03 dedicated reimbursements in excess of expenses for the COPE Team, Citizen Police Academy, Citizen Sports Event, DARE, Homeland Defense, Project Lifesaver and Animal Control.
- 5. <u>Social Services Revenue Maximization and CSA \$52,581</u> Funding represents FY03 revenue in excess of expenses for the Human Services Revenue Maximization function and the Comprehensive Services Act (CSA) Vendor Fair. Funding will be used for eligible Human Services programs.
- 6. Highway Maintenance
  - **a.** Paving \$179,076 This funding will be utilized to support street paving activities.
  - b. <u>Snow Removal Salt Purchase \$50,000</u> Funding will be utilized to purchase salt needed for inclement weather road treatments.
- 7. <u>Campbell Avenue Two-Way \$93,804 -</u> Funding will be used to support the change in the traffic pattern on Campbell Avenue from one-way to two-way operation from 2<sup>nd</sup> Street SW to Williamson Road, SE.

#### Vehicular Replacement - \$225,000

Fleet Management will recommend replacement/acquisition of vehicles based on approved criteria in separate reports which will be presented to City Council as required. CMERP funds in the amount of \$225,000 and Fleet Management funds in the amount of \$1,500,000 included in the Fleet Management budget and designated for fleet replacement will be utilized for total funding of \$1,725,000 to purchase recommended vehicles.

#### Total General Fund CMERP - \$2,803,653

#### **Technology**

Funding in the amount of \$541,338 is included in the FY04 Department of Technology budget for technology related projects and will be supplemented with Technology Fund Retained Earnings. A separate report will appropriate funding for technology projects.

#### Water Fund - \$330,900

Retained Earnings in the amount of \$330,900 is available in the Water Fund for the following items.

- 1. Carvins Cove Watershed Protection Land Purchases \$50,000
- 2. Carvins Cove Trail Improvements Part II \$55,900
- 3. Sewer Cleaner (Camel Truck) \$225,000

#### Fleet Management - \$200,810

Retained Earnings in the amount of \$200,810 is available in the Fleet Management Fund for the following items.

- 1. Administrative Office Renovations \$99,500
- 2. Mechanic/Shop Tool Upgrade \$51,100
- 3. Vehicle/Equipment Provisioning \$9,000
- 4. Tool Boxes Solid Waste Trucks \$1,210
- 5. Refurbish 2 Fire Engines to extend functional life expectancy \$40,000

#### Sewer Fund - \$16,860

Retained Earnings in the amount of \$16,860 is available in the Sewer Fund for the following item:

1. Pickup Truck - \$16,860

#### Civic Facilities - \$285,200

Retained Earnings in the amount of \$285,200 is available in the Civic Facilities Fund for the following items:

- 1. Purchase of 500 new tables \$68,000
- 2. Refurbish auditorium seats (2,400) \$111,000
- 3. Plan annual cost of \$35,000 for the refurbishing of 1000 seats in the Coliseum \$35,000
- 4. Replace handicap lift in Coliseum \$10,000
- 5. Replacement of Hockey Glass \$32,000
- 6. Replace Auditorium and Mezzanine Lobby lighting \$5,000
- 7. Install Auditorium commercial washer and dryer and install vent duct to outside \$2,000

ages to a con-

- 8. Upgrade stage and spare lighting \$20,000
- 9. Update elevator door edge safety device \$1,700
- 10. Replace all damaged portal treads in Auditorium \$500



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Facilities, Capital Projects and Fleet Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Facilities, Capital Projects and Fleet Management Funds Appropriations be, and the same are hereby, amended as follows:

# General Fund Appropriations

Appropriations		
Inmate Room and Board	001-140-3310-2204	\$ 3,601
CMERP - Equipment Purchases	001-640-3113-9132	55,615
COPE Team	001-640-3114-2061	5,543
Sporting Events	001-640-3114-2081	1,157
DMV Mini-Grant	001-640-3114-2122	2,603
Citizen Police Academy	001-640-3114-2132	1,100
DARE	001-640-3114-2141	1,176
Homeland Defense	001-640-3114-2164	5,855
Project Lifesaver	001-640-3114-2169	5,191
Police Dog	001-640-3114-2213	4,900
Fees for Professional Services	001-530-4120-2010	179,076
Chemicals	001-530-4140-2045	50,000
CMERP - Equipment Purchases	001-530-4140-9132	18,000
CMERP - Equipment Purchases	001-530-4160-9132	7,000
Automated Container Replacement	001-530-4210-2262	13,848
CMERP - Equipment Purchases	001-530-4310-9132	10,000
CMERP - Equipment Purchases	001-620-4340-9132	109,035
Fees for Professional Services	001-630-5315-2010	49,338
Employee Programs	001-630-5411-2043	3,243
CMERP - Equipment Purchases	001-620-7111-9132	10,600
Special Projects	001-620-8170-2034	56,131
Mill Mountain Zoo	001-300-7220-3701	175,000
Virginia Western Community College	001-300-7220-3710	34,170
Center In The Square Roof	001-300-7220-3815	77,000
Transfer to Civic Facilities Fund	001-250-9310-9505	11,450
Transfer to Capital Projects Fund	001-250-9310-9508	1,688,021
Transfer to Fleet Management Fund	001-250-9310-9517	225,000

Revenues Street Maintenance	001-110-1234-0650	229,076
Fund Balance		,
Reserved for CMERP - City	001-3323	(2,480,773)
Water Fund		
Appropriations		
Appropriated from General Revenue	002-510-8399-9003	50,000
Vehicular Equipment	002-510-2178-9010	225,000
Appropriated from General Revenue	002-620-9801-9008	55,900
Retained Earnings		
Retained Earnings Available for	002-3348	(220,000)
Appropriation	002-3340	(330,900)
Water Pollution Control Fund		
Appropriations		
Vehicluar Equipment	003-510-3175-9010	16,860
Retained Earnings		
Retained Earnings Available for	002 2240	(40,000)
Appropriation	003-3348	(16,860)
Civic Facilities Fund		
Appropriations		
CMERP - Equipment Purchases	005-550-2108-9132	139,200
Appropriated from General Revenue	005-550-8623-9003	146,000
CMERP - Equipment Purchases	005-550-7410-9132	11,450
Revenues		
Transfer from General Fund - Victory Stadium	005-110-1234-1274	44.450
Retained Earnings	005-110-1254-1274	11,450
Retained Earnings  Retained Earnings Available for		
Appropriation	005-3348	(285,200)
		, ,
Capital Projects Fund		
Appropriations	000 050 0500 0000	07.004
Appropriated from General Revenue	008-052-9560-9003	67,064
CMERP - Equipment Purchases CMERP - Equipment Purchases	008-310-9737-9132 008-310-9799-9132	80,000
CMERP - Equipment Purchases	008-440-9854-9132	100,000 388,089
CMERP - Equipment Purchases	008-530-9767-9132	911,128
CMERP - Equipment Purchases	008-530-9774-9132	15,000
Appropriated from General Revenue	008-530-9793-9003	26,740
CMERP - Equipment Purchases	008-650-9744-9132	100,000
VDOT Match	008-052-9575-9210	(93,804)
Revenues Transfer from General Fund	000 440 4004 4007	4 600 004
Hansiel Holli Gelleral Fullu	008-110-1234-1037	1,688,021

solden b t t e t

Fleet Management Fund

Appropriations		
CMERP - Equipment Purchases	017-440-9855-9132	99,500
CMERP - Equipment Purchases	017-440-2642-9132	326,310
Revenues		
Transfer from General Fund	017-110-1234-0951	225,000
Retained Earnings		·
Retained Earnings Available for		
Appropriation	017-3348	(200,810)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Lease and Agreement for

the operation and

maintenance of Rocwood Indoor Adventure Center

#### Background:

The Rocwood Indoor Adventure Center, located within the Parks and Recreation Administrative Building, 210 Reserve Avenue, is a multi-faceted climbing facility serving residents of Roanoke and guests. The facility, which opened in March 1993, offers 4,000 sq/ft of recreation space including various climbing walls, a climbing tower, a climbing cave, a rappelling station, an equipment storeroom and a staff/reception area.

Rocwood provided an excellent recreation opportunity for the youth and families of Roanoke. Unfortunately, the expense of operating Rocwood exceeded revenues, and it was closed in July, 2002.

#### Considerations:

On September 16, 2002, City Council adopted Resolution no. 36065-091602, approving the "competitive negotiation" process to obtain a proposal from a minimum of two service providers to manage the Rocwood Indoor Adventure Center located within the Parks and Recreation Administrative Building, 210

Honorable Mayor and Members of Council September 15, 2003 Page 2

Reserve Ave. Climbing Performance Institute, Inc., from Fayetteville, North Carolina, submitted the most qualified proposal for the operation and management of Rocwood. (See attached proposed Lease and Agreement for the operation and maintenance of the Rocwood Indoor Adventure Center.)

The Climbing Performance Institute will have the resources to increase the operational hours and programs and provide a more effective and efficient means of operating Rocwood for our citizens.

#### Recommended Action:

Following a public hearing, authorize the City Manager to execute an initial Lease and Agreement for the operation and maintenance of Rocwood for (1) one year with option to renew for an additional (4) years with Climbing Performance Institute, Inc., in a form approved by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB/SCB:kaj

c:

Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Steven C. Buschor, Director of Parks and Recreation
Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00191

#### City of Roanoke Department of Parks and Recreation

# LEASE AND AGREEMENT FOR THE OPERATION AND MAINTENANCE OF ROCWOOD INDOOR ADVENTURE CENTER

DATE:	
CITY:	City of Roanoke
	Department of Parks & Recreation
	210 Reserve Avenue, S.W.
	Roanoke, VA 24016
CONTRACTOR:	Climbing Performance Institute, Inc.
	436 West Russell Street
	Fayetteville, NC 28301
FACILITY DESCRIPTION:	Rocwood Indoor Adventure Center
	210 Reserve Avenue, S.W.
	Roanoke, VA 24016
PERCENTAGE FEE:	
Year 1	0 %
Year 2	\$2,995.00 (to cover utilities)
Year 3	\$7,200.00 or 2.5% of gross, whichever is greater
Year 4	\$7,200.00 or 2.5% of gross, whichever is greater
Year 5	\$7,200.00 or 2.5% of gross, whichever is greater

In consideration of the mutual promises contained herein, the parties agree to the following:

1. Right of Use: The City hereby leases and grants to the Contractor the right to operate a recreational facility in accordance with the terms of this Agreement for the time period specified in the Rocwood Indoor Adventure Center ("Facility") consisting of a converted basketball court, and the climbing area and structures contained therein, as well as the bleachers, equipment storeroom and staff administration area for participant checkin and maintenance of administrative files. Contractor has examined the Facility and agrees that it, and its utilities, are acceptable and appropriate for the purpose stated in Paragraph No. 2 of this Agreement. Contractor understands that air conditioning is not available at the Facility.

- 2. <u>Purpose</u>: The Facility shall be used only for open sessions, group sessions, orientation classes, specific technique classes, special events and other classes and activities appropriate for the general public for the sport of rock or wall climbing ("Activities" or "Activity"). The sessions, classes and events to be offered by the Contractor shall include those as described in Attachment A. Any activity not described in Attachment A must be approved, in writing, by the Director of the City of Roanoke Parks and Recreation Department ("Director") prior to the Activity being conducted at the Facility.
- 3. Term of Agreement and Termination: The initial term of the Agreement will be for one year from September 16, 2003, through September 16, 2004, at which time it will terminate, unless sooner terminated pursuant to the terms of the Agreement or extended as set forth herein at the option of the City Manager for the City of Roanoke, or the City Manager's designee (collectively, "City Manager"). At the City Manager's option, the Agreement may be extended for up to four (4) additional one (1) year periods by giving written notice of such to the Contractor at least sixty (60) days before the expiration of the initial one (1) year term or any subsequent term. The Agreement may be terminated by the City Manager at any time during the initial one (1) year term or any subsequent term as set forth in this Agreement with at least sixty (60) days notice for no cause. The Agreement may be terminated by the City Manager at any time during the initial one (1) year term or any subsequent term as set forth in this Agreement with five (5) days notice for cause.
- 4. Equipment: The City shall furnish only the equipment presently owned that is described on Attachment B. All of the equipment furnished by the City is limited to use within the Facility. Contractor shall inspect such equipment before any use to ensure its suitability. Any replaced equipment or other equipment or supplies necessary or desirable for Facility operation, including lights, shall be furnished by the Contractor. Equipment purchased by the Contractor which replaces equipment on Attachment B shall remain the property of the Contractor upon expiration or termination of this Agreement, with the exception of such equipment which is attached to the Facility, which equipment shall become the property of the City upon expiration or termination of this Agreement. Within 10 days of the termination or expiration of this Agreement, the Contractor shall:
- (a) Remove at its own expense any equipment and supplies not belonging to the City. The removal shall be carried out in such a manner so as not to damage any property or equipment belonging to the City. Should the Contractor fail to remove its equipment or supplies within the 10 day period, the Contractor shall lose all right, title, and interest in and to such items, and the City shall have the right to remove and dispose of such equipment and supplies at the expense of the Contractor. Should the cost of disposition of such items exceed their value, the Contractor shall reimburse the City for the excess cost within thirty (30) days after disposition.

- (b) Clean and return to the City all equipment belonging to the City in the same condition that the Contractor received it, ordinary wear and tear excepted.
- 5. Payments: The Contractor shall pay the City a utility fee in the amount of \$2,995.00 on the 10th day of the 13th month which follows the first month this Agreement is in force. Provided the Agreement is extended each year, the Contractor shall pay the City \$7,200.00 or 2½% of gross receipts, whichever is greater, no later than the 10th day of the following months this Agreement is in effect: 37th month, 49th month and the 61st month, from the first month this Agreement is in force. Gross receipts, as the term is used in this Agreement, shall include all monies, including concessions, received by the Contractor without any deductions, except for Virginia Sales Tax and City of Roanoke Sales Tax, which have been collected by the Contractor during the preceding twelve month contractual year.

#### 6. Accounting and Records:

- (a) The Contractor shall install and maintain a bookkeeping system and a method of collecting monies that will allow the Contractor to determine accurately gross receipts. The Contractor shall also furnish a profit and loss statement for the preceding month to the City no later than the 10<sup>th</sup> of each month for the preceding month. The profit & loss statement shall show all income and expenses derived from the operation of the Facility and any concession at the Facility.
- (b) Contractor shall maintain all books, records and other documents relating to this Agreement for a period of five (5) years after the end of each fiscal year included in this Agreement. The City, its authorized employees, agents, and representatives, shall have full access to and the right to examine, copy, or audit any of such materials during the time period this Agreement is in force and the five (5) year period identified in this subparagraph, upon prior written notice to Contractor. Such records shall be made available to the City on the same business day they are requested by the City.
- 7. <u>Hours of Operation</u>: The Contractor agrees to offer open sessions for a minimum of four days each week for a total of at least sixteen hours each week.
- 8. <u>Quality of Program</u>: All employees and subcontractors of the Contractor must comply with industry standards for safety considerations, in particular, the <u>Administrative Practices of Accredited Adventure Programs</u> published by the Association for Experimental Education, Council of Accreditation.
- 9. <u>Prices</u>: The Contractor shall recommend prices for all services charged to customers prior to the first day of each term. Such prices shall be subject to written approval by the Director, and such approval shall not be unreasonably withheld.

- 10. <u>Utilities</u>: The City shall use reasonable efforts to provide the Contractor electricity, water, and sewage at levels currently available at the Facility. Such utilities, when available, shall be provided at no cost. Failure by the City to provide electricity, water, or sewage shall not be deemed a breach of this Agreement, and the City shall not be liable to the Contractor for any damages to person or property, lost profits, or any other expenses arising out of said failure to provide the utilities referenced herein. The Contractor agrees to reasonably conserve such utilities by avoiding unnecessary usage. The City agrees to use reasonable efforts to restore such utilities in the event of their needing repairs.
- 11. <u>Right to Enter</u>: The City shall have the right to enter and inspect the Facility at any reasonable time, and shall have the right to enter the Facility to access the upper level storage closet and the Parks and Recreation storage closet. The City may use the Facility for purposes other than the Activities during ordinary business hours of the City, subject to the Contractor's use of the Facility in accordance with the terms of this Agreement.
- 12. <u>Independent Contractor</u>: The relationship between Contractor and the City is a contractual relationship. It is not intended in any way to create a legal agency or employment relationship. Contractor shall, at all times, maintain its status as an independent contractor, and both parties acknowledge that neither is an agent, partner or employee of the other for any purpose. Contractor shall be responsible for all insurance, workers' compensation and unemployment insurance to be provided for all of its employees and subcontractors. Contractor will be responsible for all actions of any of its employees or subcontractors, if any.
- 13. Indemnification: Contractor agrees and binds itself and its successors and assigns to indemnify, keep and hold the City and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of Contractor including: (a) Contractor's use of the Facility (b) Contractor's operation and maintenance of the Facility; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of Contractor to perform any duty imposed upon or assumed by Contractor by or under this Agreement. In the event that any suit or proceeding shall be brought against the City or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with Contractor on account thereof, Contractor upon notice given to it by the City or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the City or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgment being awarded against the City or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with Contractor, then Contractor will pay such settlement or judgment in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the

City or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

10014 1 1 1 11

#### 14. Insurance:

- (a) Requirement of insurance. Contractor shall, at its sole expense, obtain and maintain during the life of this Agreement the insurance policies and bonds required by this section. Any required insurance policies and bonds shall be effective prior to the beginning of any work or other performance by Contractor under this Agreement. The following policies and coverages are required:
  - (1) <u>Commercial General Liability</u>. Commercial general liability insurance shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out of the Contractor's performance under this Agreement. The minimum limits of liability for this coverage shall be one million dollars and no cents (\$1,000,000.00) combined single limit for any one occurrence.
  - (2) <u>Contractual Liability</u>. Broad form contractual liability insurance shall include the indemnification obligation set forth in section 13 of this Agreement.
  - (3) Workers' Compensation. Workers' compensation insurance covering Contractor's statutory obligation under the laws of the Commonwealth of Virginia and employer's liability insurance shall be maintained for all its employees engaged in work under this Agreement. Minimum limits of liability for employer's liability shall be one hundred thousand dollars and no cents (\$100,000.00) bodily injury by accident each occurrence; five hundred thousand dollars and no cents (\$500,000.00) bodily injury by disease (policy limit); and one hundred thousand dollars and no cents (\$100,000.00) bodily injury by disease (each employee). With respect to workers' compensation coverage, the Contractor's insurance company shall waive rights of subrogation against the City, its officers, employees, agents, volunteers and representatives.
  - (4) Tenant's insurance. Contractor shall, at its sole cost and expense, obtain and maintain during the life of this Agreement a property insurance policy written on an "all risk" basis insuring all of Contractor's personal property, including, but not limited to, equipment, furniture, fixtures, furnishings, and improvements which are Contractor's responsibility, for not less than full replacement cost of such property. All proceeds of such insurance shall be used to repair or replace Contractor's property. If the value of contractor's equipment is less than would normally be covered by

1999 · 1

commercial insurance contractor may choose to comply with the provisions of Section 4 with its own funds.

- (b) <u>Umbrella Coverage</u>. The insurance coverages and amounts set forth in subsections (a)(1), (2), (3), and (4) of this section may be met by an umbrella liability policy following the form of the underlying primary coverage. Should an umbrella liability insurance coverage policy be used, such coverage shall be accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required by subsections (a)(1), (2), (3), and (4), and it is further agreed that such statement shall be made a part of the certificate of insurance furnished by Contractor to this City.
- (c) <u>Evidence of Insurance</u>. All insurance shall meet the following requirements:
  - (1) Prior to execution of this Agreement, Contractor shall furnish the City a certificate or certificates of insurance showing the type, amount, effective dates and date of expiration of the policies. Such certificates shall be attached to this Agreement at the time of execution of this Agreement and shall be furnished in a timely fashion to demonstrate continuous and uninterrupted coverage of all of the required forms of insurance for the entire term of this Agreement.
  - (2) The required certificate or certificates of insurance shall include substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been received by the Risk Management Officer for the City of Roanoke."
  - (3) The required certificate or certificates of insurance shall name the City of Roanoke, its officers, employees, agents, volunteers and representatives as additional insureds.
  - (4) Where waiver of subrogation is required with respect to any policy of insurance required under this section, such waiver shall be specified on the certificate of insurance.
  - (5) Insurance coverage shall be in a form and with an insurance company approved by the City which approval shall not be unreasonably withheld. Any insurance company providing

coverage under this Agreement shall be authorized to do business in the Commonwealth of Virginia.

- 15. <u>Equal Employment Opportunity</u>: During the performance of this Agreement, the Contractor agrees as follows:
- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (b) The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.
- (c) The Contractor will include the provisions of the foregoing subsections (a) and b) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.
- (d) The Contractor will not deny any person the use of the Facility because of that person's race, religion, color, sex, national origin, age or disability.
- 16. <u>Drug-free workplace</u>: During the performance of this Agreement, the Contractor shall: (i) provide a drug-free workplace for the Contractor's employees or subcontractors; (ii) post in conspicuous places, available to employees, applicants for employment, and subcontractors, a statement notifying them that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor's workplace and at the Facility and specifying the actions that will be taken against employees and subcontractors for violations of such prohibition; (iii) state in all solicitations or advertisements for employees or subcontractors placed by or on behalf of the Contractor that the Contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each subcontractor or vendor. For the purpose of this section, "drug-free workplace" means a site for the performance of work done in connection with this Agreement.
- 17. <u>Maintenance</u>: The Contractor agrees to maintain at its expense the Facility in a clean, wholesome, and sanitary condition in compliance with all applicable laws and regulations and in a manner acceptable to the reasonable standards of the Director of the

19164 1 -----

Department of Parks and Recreation for the City of Roanoke ("Director"). Contractor also agrees to maintain the restrooms, entrance hallway and outside steps and landing during operational hours in a clean and safe manner acceptable to the reasonable standards of the Director. The City agrees to maintain the restrooms, entrance hallway and outside steps and landing during normal business hours of the City, in accordance with the standards of maintenance of other public restrooms owned by the City. The City shall not be responsible for the cleanliness of the restrooms, entrance hallway and outside steps, after the normal business hours of the City. Trash cans will be provided by the City, but liners are the responsibility of the Contractor. Transporting the trash to the pickup point is the responsibility of the Contractor.

- 18. Quality of Service: All items sold by the Contractor shall meet industry standards, be of good quality, merchantable, and fit to eat or drink (if applicable). All service provided by the Contractor shall be rendered courteously and efficiently. The City reserves the right to prohibit the sale of any item that it deems objectionable. The City also reserves the right to order improvement in the quality of the merchandise, equipment or service being rendered.
- 19. <u>Alcoholic Beverages</u>: Sale or consumption of beer, wine, or any other alcoholic beverages at the Facility is forbidden.
- 20. <u>Compliance with Law</u>: The Contractor agrees to comply with all laws, rules, regulations, and ordinance currently in effect or hereafter adopted by the United States of America, the Commonwealth of Virginia, or the City of Roanoke, applicable to the Facility. The Contractor shall obtain and maintain at its own expense any licenses or permits required to operate the Facility.
- 21. Repairs, Maintenance, and Additions: The City shall be responsible for repairs to the roof, electrical system, and plumbing of the Facility and the Contractor shall report to the Director the need for any repairs to such systems which are the responsibility of the City as soon as possible. The City is not responsible for any damages to person or property, lost profits, or any other expenses arising out of the need for repairs or maintenance to the Facility or equipment provided by the City. The City is not responsible for any repairs or maintenance to equipment provided by the Contractor or a vendor supplying the Contractor. No alterations or additions of any sort shall be made on or about the Facility by the Contractor without prior written permission from the City.
- 22. <u>Signage</u>: The Contractor shall not erect any sign on or in the premises or in the vicinity of the Facility without first obtaining the written approval of the Director, which approval shall not be unreasonably withheld.
- 23. <u>Cooperation</u>: Each party agrees to cooperate with the other in executing any documents or taking reasonable action necessary to carry out the intent and purpose of this Agreement.

e8(14.‡ 1 · · · · · · · · · · · · · · · · ·

- 24. <u>Nonwaiver</u>: A waiver or failure by either party to enforce or require performance of any term or condition of this Agreement or the waiver of any particular breach of this Agreement by either party extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of this Agreement by either party and does not bar the nonbreaching party from requiring the other party to comply with all the terms and conditions of this Agreement and does not bar the nonbreaching party from asserting any and all rights or remedies it has or might have against the other party under this Agreement or by law.
- 25. Forum Selection and Choice of Law: By virtue of entering into this Agreement, Contractor submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia, and further agrees that this Agreement is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes, and other matters shall only be decided by such court according to the laws of the Commonwealth of Virginia.
- 26. <u>Severability</u>: If any provision of this Agreement, or the application of any provision hereof to a particular entity or circumstance, shall be held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected and all other terms and conditions of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 27. <u>Successor and Assigns</u>: The terms, conditions, provisions, and undertakings of this Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors and assigns.
- 28. <u>Headings</u>: The captions and headings in this Agreement are for convenience and reference purposes only and shall not affect in any way the meaning and interpretation of this Agreement.
- 29. <u>Authority to Sign</u>: The persons who have executed this Agreement represent and warrant that they are duly authorized to execute this Agreement on behalf of the party for whom they signing.
- 30. <u>Entire Agreement</u>: This Agreement represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement shall not be amended or modified except by written instrument signed by the parties.
- 31. <u>Authorized Representatives</u>: Contractor shall appoint one of its key personnel as a representative who shall have the power and authority to work with the City and represent Contractor in all administrative matters so as to provide for the correction of problems and reduction of costs.

- 32. <u>Faith-based organizations</u>: <u>Pursuant to §2.2-4343.1 of the Code of Virginia 1950</u>), as amended, the City of Roanoke does not discriminate against faith-based organizations.
- 33. <u>No Third Party Beneficiary</u>: The provisions of this Agreement are for the exclusive benefit of the parties hereto and not for the benefit of any third person, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any third person unless otherwise expressly provided for herein.
- Notice: Any notice, request, or demand given or required to be given under this Agreement shall, except as otherwise expressly provided herein, be in writing and shall be deemed duly given only if delivered personally or sent by certified mail, return receipt requested to the addresses stated below.

To the City: City Manager

Room 364, Noel C. Taylor Municipal Building

215 Church Avenue, S. W. Roanoke, Virginia 24011

Copy to: Director of Parks and Recreation

210 Reserve Avenue, S.W. Roanoke, Virginia 14016

If to Contractor: Climbing Performance Institute, Inc.

436 West Russell Street Fayetteville, NC 28301

Notice shall be deemed to have been given, if delivered personally, upon delivery, and if mailed, upon the third business day after the mailing thereof.

- 35 <u>Taxes</u>: The Contractor shall timely pay all applicable taxes levied against the operation of the Facility.
- 36. <u>Default</u>: Abandonment of the operation of the Facility for more than ten (10) business days shall be a default. Failure to abide by the terms and conditions of this Agreement by the Contractor shall also be a default. Upon default, the City shall have the right to terminate this Agreement in accordance with Paragraph No. 3, and immediately take possession of the Facility. Upon taking possession of the Facility, the City shall have all rights pertaining to the Contractor's equipment and supplies as set forth in Paragraph No. 4.
- 37. <u>Assignment</u>: Contractor shall not assign or sublease the Facility or operation or interest therein without prior written consent of the City.

2804 - 1 - H 141 - 1

IN WITNESS WHEREOF, the parties hereto have executed the same as of the day and year first hereinabove written:

CITY OF ROANOKE	
Ву	
Darlene L. Burcham, City Manager	
CLIMBING PERFORMANCE INSTITUTE, INC.	
By	
Owner	
Approved as to Execution:	
Assistant City Attorney	

#### ATTACHMENT A

olice i - er

#### **Open Sessions:**

The open sessions are open to the public on a walk-in basis. Previous, open sessions were from 6:00 p.m.-10:00 p.m. Thursday-Sunday. Open sessions were the most consistent element of Rocwood programming and sometimes can be dead while other times can be totally slammed. Listed below are specific guidelines for instructors working open sessions.

#### **Group Sessions:**

The group sessions are a reserved private session. Rocwood can currently accommodate groups from one to twenty in size. These programs teach basic rock climbing, teambuilding, and safety conscious climbing practices. These sessions are typically two to three hours in length.

#### **Orientation Classes:**

This is a six (6) hour class designed to give someone with little or no experience a foundation upon which to build as they begin in the sport of climbing. In this course, each participant should learn about all necessary equipment used at Rocwood, figure-8 follow thru knot, double fisherman's back-up knot, and how to belay by Rocwood standards.

#### **Youth Climbing Sessions:**

This session is designed to introduce youth (ages 8 to 11) to indoor rock climbing. The goal here is to provide a safe and fun climbing experience. Information on climbing techniques should be shared; however, our primary obligation is to provide a fun program that meets the participants expectations.

#### **Specific Technique Classes:**

Single Rope Technique

#### **Special Events:**

Competitions, Youth Holiday Climbs, Women's Night, Open House, Climbing Club

4994 j s ----

#### ATTACHMENT B

### **Equipment provided by Owner:**

Harnesses:	
Misty Mountain "Fudge" Blue Water "Jim Gyde" Petzl "Ouistiti" Troll "Lizard"	14 24 1 2
Gymnasium mats 4' x 8' x 4" 5' x 10' x 2'	7 4
60' 11mm dynamic rope	23
Carabiners Aluminum locking 'D' Steel locking 'D'	25 25
ATC belaying device	23
Harness bags	3
Looped webbing for anchoring	23
Loose and mounted holds shapes and color	minimum of 1000 in various sizes,
Bolt tools Large Small	2 2
Petzl "Ecrin Roc" helmets	6
Benches 8' long x 1' wide	3
Mounted fingerboard	2
Mounted pull-up bar	1
Orange cones for anchor identification	11
Light bulb changer, three extension poles	1
300W light bulbs (unused)	14

9/10/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into a lease and maintenance

agreement with Climbing Performance Institute, Inc., for the lease, operation and maintenance of

Rocwood Indoor Adventure Center, upon certain terms and conditions; and dispensing with the

second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, in

form approved by the City Attorney, a lease and maintenance agreement with Climbing Performance

Institute, Inc., for the lease, operation and maintenance of Rocwood Indoor Adventure Center,

commencing September 16, 2003, such lease and maintenance agreement being for an initial term of

one year, with an option to renew at the option of the City Manager for four (4) additional one (1)

year terms, and upon the terms and conditions as more particularly set forth in the City Manager's

letter dated September 15, 2003, and the attached lease and maintenance agreement, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this

ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\ORDINANCES\O-LEASE-ROCWOOD091503.DOC

## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Appalachian Power

Company for Easement on City-owned Property at Patrick Henry High School

Appalachian Power Company has requested a fifteen-foot wide easement to extend an existing power line on the Patrick Henry High School site to provide underground electric service to the mobile classroom. See Attachments #1 & #2.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting an easement as described above to Appalachian Power Company, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

City Manager

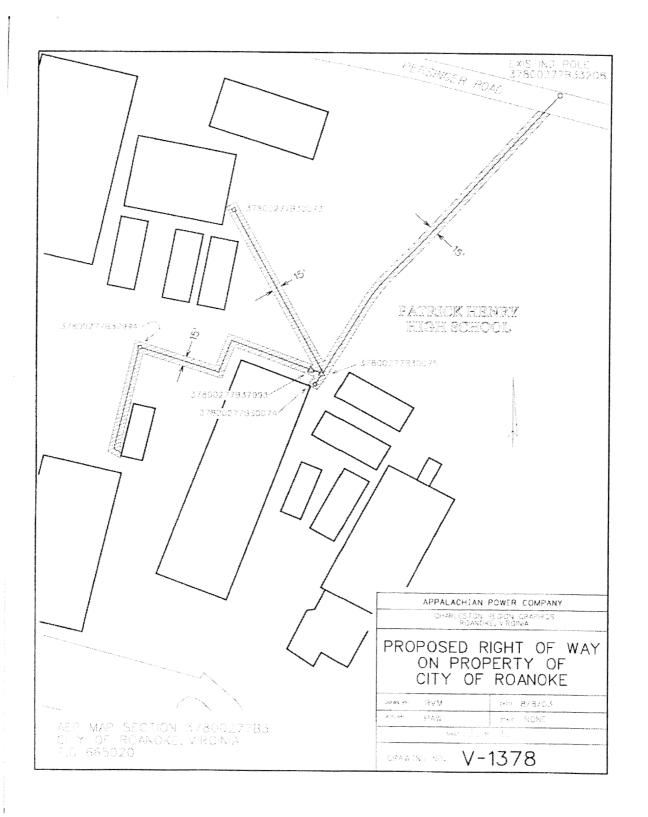
DLB/SEF

Attachment(s)

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

#CM03-00188

#### Attachment #1



AND THE RESERVE TO TH

MAP NO. <u>3780-277-B3</u>	W. O. NO. <u>W000651801</u>
PROPERTY NO1	JOB NO. <u>03-10119</u>
EAS NO.	

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_\_, 2003, by and between the CITY OF ROANOKE, a municipal corporation existing under the laws of the Commonwealth of Virginia, herein called "GRANTOR," and APPALACHIAN POWER COMPANY, a Virginia corporation, herein called "APPALACHIAN."

#### WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, the GRANTOR hereby gives license and permit to APPALACHIAN, its successors and assigns, and the right, privilege and authority to said APPALACHIAN, its successors and assigns, to construct, erect, operate, and maintain a line or lines for the purpose of transmitting electric power underground on the property of the City of Roanoke, further identified as Roanoke City Tax Parcel number 1460101 in the City of Roanoke, Virginia.

**BEING** a right of way and easement, in, on, along, through, across or under said lands for the purpose of providing service to Patrick Henry High School, as shown on that certain Appalachian Power Company Drawing V-1378 dated 8-8-03, entitled "Proposed Right of Way on Property of City of Roanoke", attached hereto and made a part hereof.

TOGETHER with the right to said APPALACHIAN, its successors and assigns, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate at will, underground conduits, ducts, vaults, cables, wires, transformers,

THIS INSTRUMENT PREPARED BY APPALACHIAN POWER COMPANY, P.O. BOX 2021, ROANOKE, VA 24022-2121

NUMBER OF STREET

pedestals, risers, pads, fixtures and appurtenances (hereinafter called "Appalachian's Facilities"), in, on, along, over, through, across and under the above referred to premises; the right to disturb the surface of said premises and to excavate thereon, and to cut down, trim, clear and/or otherwise control, and at Appalachian's option, remove from said premises any trees, shrubs, roots, brush, undergrowth, overhanging branches, buildings or other obstructions which may endanger the safety of, or interfere with the use of Appalachian's Facilities, and the right of ingress and egress to and over said above referred to premises and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. The Grantor hereby grants, conveys and warrants to Appalachian Power Company a non-exclusive right of way easement for electric facilities.

In the event **APPALACHIAN** should remove all of said Appalachian's facilities from the lands of the **GRANTOR**, then all of the rights, title and interest of the party of **APPALACHIAN** in the right of way and license hereinabove granted, shall revert to the **GRANTOR**, its successors and assigns.

APPALACHIAN agrees to indemnify and save harmless the GRANTOR against any and all loss or damage, accidents, or injuries, to persons or property, whether of the GRANTOR or any other person or corporation, arising in any manner from the negligent construction, operations, or maintenance, or failure to properly construct, operate, or maintain said Appalachian's facilities.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors and assigns.

Upon recordation of this agreement Appalachian accepts the terms and conditions contained therein.

WITNESS the signature of the	e City of Roanoke by Darlene L. Burd	cham, its City
Manager, and its municipal seal hereto	affixed and attested by Mary F. Parker,	its City Clerk
pursuant to Ordinance No.	adopted on	··································
	CITY OF ROANOKE	
ATTEST:	CITY MANAGER	
CITY CLERK		
STATE OF VIRGINIA ) ) TO-WIT: CITY OF ROANOKE )	a Notary Dublic in and fo	on the City and
	, a Notary Public in and fo	
-	City Manager and City Clerk, respectively.	
	ed to the writing above, bearing date the _	
	003, have each acknowledged the same be	•
jurisdiction aforesaid.	os, have each acknowledged the same se	Tore me m my
•	day of	, 2003.
	Notary Public	
My Commission Expires:		

1991 to 1814 to 1

MAC

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation and conveyance of a fifteen foot overhead easement to extend an existing overhead power line, across City-owned property located at 2102 Grandin Road, S.W., to Appalachian Power Company, to provide electric service to a mobile classroom at Patrick Henry High School, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

Whereas, a public hearing was held on September 15, 2003, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents donating and conveying a fifteen foot overhead easement to extend an existing overhead power line, across City-owned property located at 2102 Grandin Road, S.W., to Appalachian Power Company, to provide electric service to a mobile classroom at Patrick Henry High School, upon certain terms and conditions, as more particularly set forth in the September 15, 2003, letter of the City Manager to this Council.
  - 2. Pursuant to the provisions of Section 12 of the City Charter, the second reading

100/14 1 b 181 c

of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 15, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Appalachian Power

Company for Easement on City-owned Property – Transportation Center on

Barns Avenue, NW

HORSE .

Appalachian Power Company has requested a fifteen-foot wide easement across City-owned property located on Barns Avenue, NW, to provide underground electric service to the City's new Transportation Center, together with an area of approximately 1,600 square feet to accommodate a new pole. See Attachments #1 & #2.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting the easement as described above to Appalachian Power Company, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

City Manager

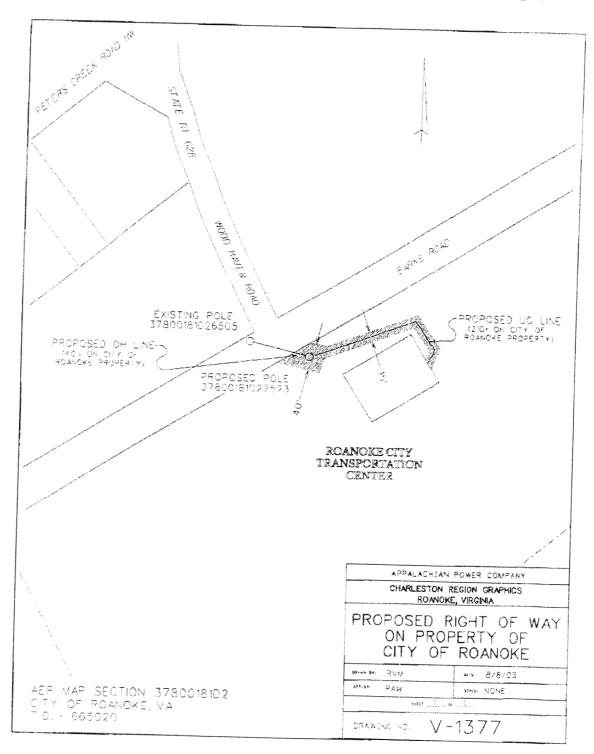
DLB/SEF

Attachment(s)

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

#CM03-00174

ediate 1 e e e



MAP NO. <u>3780-182-D2</u>	W. O. NO. <u>W000651801</u>
PROPERTY NO. 1	JOB NO. 03-10123
EAS NO.	

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_\_, 2003, by and between the CITY OF ROANOKE, a municipal corporation existing under the laws of the Commonwealth of Virginia, herein called "GRANTOR," and APPALACHIAN POWER COMPANY, a Virginia corporation, herein called "APPALACHIAN."

#### WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, the GRANTOR hereby gives license and permit to APPALACHIAN, its successors and assigns, and the right, privilege and authority to said APPALACHIAN, its successors and assigns, to construct, erect, operate, and maintain a line or lines for the purpose of transmitting electric power overhead and underground on the property of the City of Roanoke, further identified as Roanoke City Tax Parcel number 6610101 in the City of Roanoke, Virginia.

**BEING** a right of way and easement, in, on, along, through, across or under said lands for the purpose of providing service to the Roanoke City Transportation Center, as shown on that certain Appalachian Power Company Drawing V-1377, dated 8-8-03, entitled "Proposed Right of Way on Property of City of Roanoke", attached hereto and made a part hereof.

TOGETHER with the right to said APPALACHIAN, its successors and assigns, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the

THIS INSTRUMENT PREPARED BY APPALACHIAN POWER COMPANY, P.O. BOX 2021, ROANOKE, VA 24022-2121

INDIA CONTRACTOR OF THE CONTRA

number of, and relocate at will, poles, with crossarms, wires, cables, transformers, guys, and anchors in, on, and under the premises above referred to; grounding systems and all other appurtenant equipment and fixtures, underground conduits, ducts, vaults, cables, wires, transformers, pedestals, risers, pads, fixtures and appurtenances (hereinafter called "Appalachian's Facilities"), and string wires and cables, adding thereto from time to time, in, on, along, over, through, across and under the above referred to premises; the right to cut down, trim, clear and/or otherwise control, and at Appalachian's option, remove from said premises any trees, shrubs, roots, brush, undergrowth, overhanging branches, buildings or other obstructions which may endanger the safety of, or interfere with the use of Appalachian's Facilities: the right to disturb the surface of said premises and to excavate thereon: and the right of ingress and egress to and over said above referred to premises and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. The Grantor hereby grants, conveys and warrants to Appalachian Power Company a non-exclusive right of way easement for electric facilities.

In the event **APPALACHIAN** should remove all of said Appalachian's facilities from the lands of the **GRANTOR**, then all of the rights, title and interest of the party of **APPALACHIAN** in the right of way and license hereinabove granted, shall revert to the **GRANTOR**, its successors and assigns.

**APPALACHIAN** agrees to indemnify and save harmless the **GRANTOR** against any and all loss or damage, accidents, or injuries, to persons or property, whether of the **GRANTOR** or any other person or corporation, arising in any manner from the negligent construction,

operations, or maintenance, or failure to properly construct, operate, or maintain said Appalachian's facilities.

**TO HAVE AND TO HOLD** the same unto Appalachian Power Company, its successors and assigns.

Upon recordation of this agreement Appalachian accepts the terms and conditions contained therein.

WITNESS the signature of the	City of Roanoke by Da	arlene L. Burcham, its City
Manager, and its municipal seal hereto a	ffixed and attested by M	ary F. Parker, its City Clerk
pursuant to Ordinance No	adopted on	·
	CITY OF ROANOKE	
ATTEST:	CITY	MANAGER
CITY CLERK		
STATE OF VIRGINIA ) ) TO-WIT: CITY OF ROANOKE )		
Ι,	, a Notary P	Public in and for the City and
Commonwealth At Large, do certify that _		
and Ci		- · ·
Roanoke, whose names as such are signed		
of, 200	3, have each acknowledg	ed the same before me in my
jurisdiction aforesaid.		
Given under my hand this	day of	, 2003.
My Commission Expires:	Notary Public	

DIC

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation and conveyance of a fifteen foot overhead and underground easement, across City-owned property located on Barns Avenue, identified as Official Tax No.6610101, together with an approximate 1,600 square foot easement to accommodate a new pole, to Appalachian Power Company for the purpose of providing underground electric service to the School Board of the City of Roanoke's School Transportation Facility, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

Whereas, a public hearing was held on September 15, 2003, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents donating and conveying a fifteen foot overhead and underground easement, across City-owned property located at Barns Avenue, identified as Official Tax No. 6610101, together with an approximate 1,600 square foot easement to accommodate a new pole, to Appalachian Power Company for the purpose of providing underground electric to the School Board of the City of Roanoke's School Transportation Facility, upon certain terms and conditions, as more

particularly set forth in the September 15, 2003, letter of the City Manager to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

19104